

NAVAL POSTGRADUATE SCHOOL

Monterey, California



THESIS

DEVELOPMENT OF CIVIL-MILITARY RELATIONS IN INDEPENDENT UKRAINE

by

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March 2003

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REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY		2. REPORT DATE March 2003	3. REPORT TYPE AND DATES COVERED Master's Thesis	
4. TITLE AND SUBTITLE: Development of Civil-Military Relations in Independent Ukraine			5. FUNDING NUMBERS	
6. AUTHOR(S) Yevhen Akmaldinov				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited			12b. DISTRIBUTION CODE	
13. ABSTRACT (maximum 200 words) This thesis describes the conditions that surrounded the creation of the new Ukrainian state and its major institutions, including the military. The thesis also evaluates the state of the Ukrainian military and civil-military relations during their development from 1991 and presents propositions to improve such relations. The conclusion states that the level of development of the Ukrainian Military, as well as the state of civil-military relations in the country, is far from perfect. However, conditions can be improved; Ukraine has a good chance to maintain the quality of its civil-military relations similar to this maintained by developed democracies.				
14. SUBJECT TERMS Ukraine, Ukrainian Military, Civil-Military Relations			15. NUMBER OF PAGES 99	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL	

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**DEVELOPMENT OF CIVIL-MILITARY RELATIONS IN INDEPENDENT
UKRAINE**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN
INTERNATIONAL SECURITY AND CIVIL-MILITARY RELATIONS**

from the

**NAVAL POSTGRADUATE SCHOOL
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This thesis describes the conditions that surrounded the creation of the new Ukrainian state and its major institutions, including the military. The thesis also evaluates the state of the Ukrainian military and civil-military relations during their development from 1991 and presents propositions to improve such relations. The conclusion states that the level of development of the Ukrainian Military, as well as the state of civil-military relations in the country, is far from perfect. However, conditions can be improved; Ukraine has a good chance to maintain the quality of its civil-military relations similar to this maintained by developed democracies.

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ACKNOWLEDGMENTS

My deepest thanks go to Professor Mikhail Tsyarkin and Professor Donald Abenheim for their guidance and patience while being my thesis advisor and second reader.

I would also like to thank Professor James Wirtz and Professor Jeanne Giraldo for their guidance and valuable practical contribution on the organization and structure of this thesis.

My special thanks also goes to Professor Ron Russell, the editor of my thesis, who spent long hard hours, making this thesis readable.

I would like to thank deeply the Faculty and staff of the Naval Postgraduate School's Department of National Security Affairs for all the useful and important knowledge I have obtained. I also want to thank the School's administration and, especially, the International Students' Office for their outstanding organizational abilities and for resolving any problems I experienced.

I also wish to dedicate this thesis to my loving wife and my devoted Family for their love and support.

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I. INTRODUCTION

On August 24th of 1991, immediately after an unsuccessful coup d'état attempt in the Soviet Union committed by the so-called "State Committee on Emergency Situations," Ukraine declared itself an independent state. Now, after more than ten years of state formation and the development of the Ukrainian military as an inalienable institution of the state, evaluating the results of such a development and the quality of the civil-military relations, which are an important factor of the state's internal political stability, would be interesting.

Ukraine occupies an important strategic, geographical, political, economical, and cultural position in Europe; the situation in Ukraine influences the state of overall European security system. Ukraine's political stability is the definitive element for stability in the region and is crucial for Europe at a whole. The more stable Ukraine becomes the more attractive and appreciated it would be as a potential member of the European community, and the more Ukraine can benefit and obtain from such a membership.

The quality of civil-military relations in Ukraine is a significant element of its political stability and its national security. Cataloguing the development of such relations by what has been done so far and what still must be done, by what can be considered as positive and negative, and by what extent the quality of civil-military relations meets the standards of Western democracies is important.

The analytical tools and sources of information used in this research include materials from:

- the Ukrainian Ministry of Defense (MOD),
- the Council for the National Security of Ukraine,
- the Institute for Strategic Research of Ukraine,
- the Ukrainian Center for Economic and Political Studies,
- Ukrainian periodical editions.

Chapter II of this thesis presents background information on Ukraine's economic, political, historical and social situation and how these factors impact its military problems. Chapter II also examines the difficulties inherent in establishing the national military and how it developed during the initial stages of state formation.

Chapter III analyzes the contemporary situation in the Ukrainian military regarding its efficiency and position in the society.

Chapter IV evaluates Ukraine's achievements in creating an institutional, legislative and social foundation to establish civilian control of the military.

Chapter V analyzes the practical aspects of institutional, legislative and social changes to establish sufficient civil military relations in Ukraine.

Chapter VI contains some recommendations based on the research presented in the previous chapters with the aim of improving civil-military relations in the country.

Chapter VII summarizes and concludes all the work done in the thesis.

II. BACKGROUND INFORMATION

This chapter provides background information about Ukraine's geography, economy, internal and external policies. This chapter also concerns the military's role in the society and how it affects civil-military relations.

Modern Ukraine, a former Soviet Republic, became independent in 1991 just after the collapse of the Soviet Union. Geographically, Ukraine occupies an area of 603,700 sq. km in the Southern-Western portion of the East-European Plain. Ukraine has common borders with Russia and Belarus on the North, Russia on the East, Moldova, Romania, Slovakia, Hungary and Poland on the West, and borders the Azov and Black Seas in the South. The perimeter of the borders is 4, 663 km, the length of the coastline is 2,782 km.¹

The population of Ukraine is 49,396,470 as of July 2002.² The Ukrainian population is distributed as follows: demographically, 70% of Ukrainians live in urban areas, 30% live in rural areas; the density of the population is 85 people per square kilometer; ethnically, 73% of the population is Ukrainian, the rest of the population is comprised of Russians, Jews, Belarusians, Moldavians, Bulgarians, Poles and others.³

Politically, Ukraine is a presidential republic. The executive power is represented by the President of the state and the Cabinet of Ministers led by the Prime Minister. The legislative function is performed by the Ukrainian parliament, the Verkhovna Rada. The judicial branch of power is led by the Supreme (and Constitutional) Court.

Being previously a subordinate part of the Soviet Union, the newly independent Ukraine inherited a portion of the Soviet governing system that could not function independently. Furthermore, since Ukraine chose to be democratic, its governing structures and bureaucracies had to be fully reestablished. Thus, Ukraine faced the immediate and extremely difficult tasks of creating new political institutions, to define and to defend its position in the European and global political system.

¹ www.odci.gov/cia/publications/factbook/geos/up.html#Geo, Feb 2003

² Ibid

³ The data is from *Portrait of Ukraine*, an informational booklet of the Embassy of Ukraine in the USA, 2003.

Except for the feudal Kievan Rus of VIII-XIII centuries AD and the tentative independence period between 1917 and 1919, which can barely be counted as experience in running an independent state, Ukraine did not have such an experience. This fact aggravated the process of state building. Of course, eventually, democratic institutions were established and slowly gained experience, efficiency and maturity. However, this has consumed resources, time and effort badly needed to develop other crucial areas, particularly, the economy.

The economic situation in the new Ukraine was similar to the political situation. The Ukrainian Soviet Socialist Republic possessed a great part of the USSR industrial and scientific potential. The politicians' argument that Ukraine has all the economic prerequisites to be a successful independent state seemed at the time to be a powerful and convincing one for the Ukraine's separation and independence from the USSR.

However, the reality appeared to be much more complex. Despite the Ukraine's robust productive potential (the Ukrainian SSR had produced, according to different sources, between 25 and 35 percent of the overall USSR GNP), once separated from the common industrial field of the USSR, this potential became almost useless.

First, because of certain economic policies of the USSR, which are beyond the topic of this thesis, the overall manufacturing was widely divided and distributed around the USSR. For instance, if a final assembly enterprise was located in the Ukrainian SSR, its numerous producers of materials, parts and aggregates could be in Kazakhstan, or the Far East of the Russian Federation or elsewhere. The separation of the USSR into divided states resulted in different customs regulations as well as different monetary and technical standards and economic legislation. The leadership of the separated states frequently and heavily intervened in the functioning of national hi-tech industries for political reasons. All this slowed and aggravated, if not completely undermined, the recently stable and developed manufacturing cycles: final production enterprises lost their supply networks, and producers of materials, parts and subassemblies lost their consumers.

Secondly, the basically functioning manufacturer-consumer market existed inside the USSR and abroad, in the countries of the Warsaw Pact and those of the Third World where the USSR had influence. With the collapse of the USSR this market was

destroyed, which placed the Ukrainian hi-tech industry on the edge of death. Only those industrial branches, whose activities could provide 100% liquidity and short-term money return in the internal market such as gas distribution, food production and supply managed to survive. The others started shrinking immediately.

The collapse of the hi-tech sector of the Ukrainian industry resulted in stagnating the applied sciences and significantly reduced the chances of the fundamental sciences. The stagnation of sciences, correspondingly, left no chance for the high-tech industries to recover and to compete in the high-tech industrial world.

When the USSR still existed, high tech industries were a major source of the national budget income. With their collapse, the hi-tech industries reduced the budget surpluses, making the government incapable of providing steps to revive the industries, to sustain law enforcement, the military, to fund health care, education, culture and arts, science, social security, etc.

All the processes described above resulted in severe unemployment and hyperinflation, causing a vicious circle: without jobs, people could not earn enough to be consumers of the industries' products. Industries without consumers could not function normally, thus, they could not provide jobs and pay sufficient taxes, etc. These conditions led to severe worsening of people's living standards, even compared to Soviet standards, which had been rather poor.

The political collapse of the Soviet Union and the emergence of new independent states were accompanied by redistributing the former state wealth and resources among a relatively small number of people who had access to these goods. As a result of this and because of the economic problems described above, during the period of Perestroika and the initial stage of Ukraine's independence, some 15% of Ukrainians became rich or very rich. Unfortunately, the rest of Ukrainians balanced on the edge of destitution, those 85% who had been labeled a middle class in the plans of early theorists of Perestroika and the independence of Ukraine. Meanwhile, according to modern political science, a developed, robust, and numerous middle class is a necessity for a stable, consolidated and strong democratic regime. Indeed, the countries of the developed "West," where the middle class is the majority and enjoys better standards of life, are stable and safe

democracies. The rest of the world, where the middle class does not exist or is not developed, lives in wars, disturbances, economic weakness and instability.

Ukraine is not excepted from this rule. Because of the general dissatisfaction with living conditions, the public opinions about the Ukrainian government, the feeble results of the initial years of independency, the ways to further develop the country and improve today's situation, even the issue of changing the existing regime became highly polarized.

This created the great diversity in the political parties in Ukraine, more than one hundred of them. Presently, thirty-five of them are more or less significant and functioning; several parties, quite popular and supported by many, represent disloyal opposition, which state in their programs a desire to change the regime or to divide territory of the state: the Communist, Socialist, Agrarian parties, and the Narodnyi Rukh Ukrainy (People's Movement of Ukraine). This entire political spectrum is represented in the Ukrainian parliament – the Verkhovna Rada of Ukraine – and greatly complicates the functioning of this legislative institution. The first and rarely fulfilled goal of any newly elected Ukrainian parliament is to create the majority in order to make the parliament functional and efficient. Because of such ineffectiveness, the Verkhovna Rada was and has been unable to balance the power of the executive branch, which eventually has become disproportionally powerful. The judicial branch has been overwhelmed by the executive branch as well. The imbalance in power is one among many reasons for the poor civilian control of the military in Ukraine, as it will be shown later in Chapter V.

Kieran Williams and Dennis Deletant note in their book *Security Intelligence Services in New Democracies*⁴ that after the end of Cold War, the common tendency in the former Soviet countries and the countries of the former Warsaw Pact was that national security perception shifted from external, Cold War related threats to internal ones, such as political and economic instability and weakness. This is accurate for Ukraine as well. Deeply concerned with difficult political, economic and social problems that Ukraine faced in the early years of its independence, with the absence of obvious external military threats, the Ukrainian leadership withdrew its attention from the problems of the national military and placed them at the end of the list of national

⁴ K. Williams and D. Deletant *Security Intelligence Services in New Democracies*, PALGRAVE, NY, NY,

priorities. This dramatically reduced the military budget and led to the absence of interest from the national mass media in the military, and the public attitude toward it ranging from minor sympathy through indifference to full disapproval and distrust.

The problems of the military had remained unattended until the late 1990s, when the Ukrainian leadership made the strategic decision to move toward the political and economic integration into Europe.⁵ For Ukraine to join the European Union was and remains a huge task, almost impossible to fulfill in the near future.

Indeed, even Western European countries with mature and consolidated democratic regimes and robust economies that are very close to each other politically, economically, socially and share collective security (i.e. NATO and Common Market membership), have suffered significant difficulties in unifying.

Many of the Eastern European countries, such as the former Soviet or Communist Baltic and Central European republics, had a good record of running democratic states before WWII and were influenced by communism for historically short period of time. Nevertheless, these countries are almost desperate to improve their internal standards to qualify for European Union membership.

Ukraine, which had been for hundreds of years a part of stronger (and by no means democratic) neighbors, has far less chances of joining the European Union as a peer member.

All of the above explains the reason that the new competitors for EU membership, including Ukraine, apply to NATO as a first step toward membership in the EU. By

2001, p. 1-2.

⁵ Because of obvious political, economical and military weakness of Ukraine and, relatively, the impossibility for the country to provide independent international policies, the only safe and pragmatic solution for Ukraine then was to make an alliance with the existed powerful actors. Geostrategically, there were only two choices to bandwagon: the European Union and the Russian Federation. There have always been very strong historical, social, economic ties and mutual dependency between Ukraine and Russia, the RF still remains the major supplier of energy-producing materials and the main market for Ukrainian export. It is necessary to remember that 70% of the Ukrainian border spans the Russian border. Thus, good strategic relations with the RF are vital for Ukraine. At the same time the financial and political support from Europe is no less important for Ukraine. For a long time, the country was balancing between the two major powers, trying to maintain good relations with both. Any step in Ukrainian international policies, which could made the country closer to one of them, immediately resulted in a harsh reaction of the other. Anyway, this ambiguous situation could not continue endlessly; so, since democracy seems now to be the only plausible way for mankind to develop and since Europe has gone much further than Russia in this development, Ukraine as well as the majority of former communist Eastern European states chose the European way.

joining NATO, these countries expect to gain membership in the EU more easily. Such tactics make sense. In regard to the countries-candidates in NATO, this organization is concerned mostly with three conditions that countries-candidates should meet. First, their actual political regimes must be democratic. Secondly, their international policies and national security objectives have to comply with the corresponding NATO ones. Last, as a matter of NATO special focus, the national militaries must meet the NATO standards of accountability to civil national authorities, professionalism, structure, effectiveness, the system of military education and preparation. For Ukraine, to develop its military to NATO standards is still a task of tremendous difficulty, but this task remains plausible when compared to increasing the average standard of living or national GNP by 1000%.

As previously mentioned, the problem of the Ukraine's membership in NATO as an objective to achieving the overall goal of partnership in the EU forced Ukraine to focus on military reform. The late 1990s were characterized by much busywork during which numerous activities were conducted in the domain of national military's development. This significantly increased the mass media and public's interest in the subject. The documents like a national security strategy, a national military doctrine, a program for the development of national military, corresponding laws were issued numerously. Yet, such a close attention from the national leadership and society as a whole was exactly what the national military needed badly from the very beginning of its existence.

From 1989 to 1991, the opinion that a 726,000-strong military stationed on Ukraine's territory would easily accept the idea of separating from the Soviet Army and serving a young independent state seemed utopian even to many Ukrainians. In spite of that, by the end of 1991 the Soviet military had been peacefully, without a single shot, converted into the armed forces of Ukraine. On December 6, 2002, Ukrainians celebrated the 11th anniversary of their armed forces.

Ukraine inherited a huge army, although it was not constructed to be a separate armed forces of a state. The Soviet army structures on Ukraine's territory belonged to the first strategic echelon and were therefore well trained and combat capable. The total power of the armaments – intercontinental ballistic missiles, strategic bombers, combat

aircraft and helicopters, tanks, armored personnel carriers, and artillery systems – was rated as the third in the world (after the USA and Russia).

By and large, in 1991 Ukraine faced extremely difficult problems: first, it had to extract the national armed forces from hypertrophied troops stationed on its territory; secondly, it had no established state institutions, no personnel – neither military, nor civilian – capable of running the armed forces on their own; third, it had no military industry capable of producing weaponry autonomously and no non-governmental component of civilian control. In short, the country received almost nothing, but problems. Nevertheless, Ukraine started a full-scale build-up of its armed forces.

Reform began at individual military agencies, departments and units and spread “bottom-up” as it corresponded to the needs of the time. On the one hand, military and political points of reference were unclear and became feasible only five or six years ago. It was impossible to set the course of reform without clear political aims. On the other hand, the fundamentals of reform were underestimated. This especially refers to the real condition of military units, the assessment of their capabilities and limitations, and the available resources, proceeding from the priorities of national progress. Finally, the fact that reform should be based on certain scientific principles (methods), detailed analysis and concrete calculations was not thoroughly accepted.

There were no mechanisms for strategic planning, formulating the defense budget, and protecting the national interests by military means. When Ukraine gained independence, it had no National Security and Defense Council, no MOD, no general staff, and no armed forces themselves, along with other military structures. Neither had Ukraine a scientific and analytical infrastructure to support strategic planning. The capabilities of the Ministry of Foreign Affairs, the Ministry of Interior and the security service were limited, given their republican subordination (within the USSR) and the routine practice of the outflow of the best specialists to Moscow.

The national priorities were evidently shifting as time passed: from the control over the military and establishing the national sovereignty in 1991 and 1992, to the nation’s economic survival in the years that followed. Polls showed that from mid-1994 problems of personal welfare (76%), food prices (39%) and unemployment (22%) were

the most pressing. Citizens were no longer as concerned about the defense of the state: defense concerns occupied last or second to the last place and were considered important only by 1% of respondents.⁶

Ukraine lacked national legislative experience. Acts adopted in the first years of independence were declarative, politicized, and sometimes naive. Elements of the military organization were not defined, even basically; the functions of the military forces were not specified. The Military Doctrine⁷ adopted in 1993 reflected the euphoria and inexperience of that time. Instead of concrete, basic data, the document only contained general (acceptable for any state) tasks, and a long list of good intentions and priorities not supported by resources.

Furthermore, the country's top leadership did not manage to initiate systematic reforms of Ukraine's Military organization. For years, the branches of government were struggling for their powers and focused on the constitutional process. Continuous distrust and sometimes hostility happened between the legislative and executive authorities. The military domain was not among the main priorities in this struggle for powers; all activity was concentrated on subordinating the military, rather than improving the crucial problems of the military facing them.

One of the major challenges was the immaturity of the armed forces and the Defense Ministry as state institutions, in comparison with other armed structures whose existence originated in the Soviet epoch. In countries with developed democracies, the war office holds a leading place in the hierarchy of power ministries. The situation is different in Ukraine. The Ministry of Interior and the Security Service existed under different names and grew along with other structures. Naturally, over the years, their authority grew, and they have become part of the state mechanism. Whereas the MOD did not exist at the level of a republic: during the Soviet period, Ukraine, by law, did not have its own armed forces, they have existed only since 1992, and now they are experiencing their greatest difficulties.

⁶ *Ukrainian Political and Economic Index* (June 1995, p. 1; December 1995, p. 1).

⁷ The Military Doctrine of Ukraine, by the Decree of Verkhovna Rada (Ukrainian parliament) of 10.19.2003 #3529-XII.

The young Defense Ministry fought for equality in a rather competitive environment, being surrounded by other more powerful military structures. The Border Troops, for instance, had their own naval forces, own air and air defense components, military academy, and command and control system based on three Border Districts, and so forth. Few attempts to unify the armed structures have been fruitless. All these military structures lacked the necessary resources, even for functioning at a “survival” level. No budgetary funding for their development existed whatsoever.

The system of civilian control over the military was extremely poor, if it existed at all. During the Soviet reign, civilian control over the military was the Communist party’s control (directly and through special services) at every level of the armed forces. This control was neither democratic, nor truly civilian. But it was real, well institutionalized, and very effective within the overall totalitarian state structure. Every military unit down to the company level had its deputy commander for political affairs. In fact, professional advancement depended on one’s political loyalty. Therefore, most officers and certainly almost all senior officers were members of the Communist party.

The collapse of the Soviet Union brought the end of the old system of political control over the military. In addition, during the Soviet era other elements of democratic civilian control in Ukraine (such as the President, the Parliamentary Defense Committee, Defense Ministry, other defense-related governmental structures, free media, academia, and NGOs) did not exist. So Ukraine clearly had to start virtually from scratch.

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III. THE STATE OF THE UKRAINIAN ARMED FORCES AFTER THE TWELVE YEARS OF REFORMING

The previous chapter describes conditions regarding the origination of the Ukrainian armed forces that predetermined all the difficulties the military has experienced in its development over the last twelve years and the unimpressive results of this development.

A. FUNCTIONAL ASPECT

Since 1991, The Ukraine's military organization⁸ has endured a complex period of evolution from an unsystematic conglomerate of separate parts to a relatively workable integrated structure. The military sector of Ukraine has long been in a state of permanent crisis. Unable to keep pace with changes, it is literally degrading. At the same time, even the present level of funding of the military heavily burdens the state. On the other hand, the national interests of sovereign Ukraine must be protected from military threats, and state policy should be supported by military means. The imbalance between what is desired and what is available is so evident now, that one cannot but take notice. Nor has this imbalance emerged today: Ukraine is at least nine years behind with profound military reforms.

The military organization is structurally excessive. Separate military structures are developing on their own, without proper coordination on the national level. Each military structure creates its own sub-systems of command and control, logistics, maintenance, military education and training, acquisition, and defense research. For instance, Ukraine maintains two navies: the navy proper (incorporated into the armed forces) and naval units of the border troops. Both navies operate in the same water area; each of them has more than 100 ships and each has an air component. As a result, the two navies lack funds even for fuel, let alone combat training. Each military structure is maintaining its

⁸ The term was legislatively fixed in the National security concept of Ukraine (The Verkhovna Rada resolution N 3/97 of 01/16/97, chap. V.): "Military organization of the state, including Ukraine's armed forces, Security Service, National Guard, Internal Troops, bodies and units of the Ministry of Interior, Border Troops, military units of the Ministry of Emergency, other military units established in accordance with Ukraine's Constitution, shall ensure the defense of Ukraine, protection of its sovereignty, territorial integrity and inviolability of its borders, counteract external and internal military threats, and fight organized crime; ensure protection of population in case of catastrophes, natural disasters, dangerous social conflicts, epidemics, etc."

own supply bases, where almost identical stocks of fuel and materiel are stored. This results in extra budget expenses, excessive manpower, and suboptimal schemes of cargo movement. The structural excessiveness of the military organization does not facilitate the performance of all its vital functions. Similar duties are performed by different agencies, while others are left to no one. The same situation happens in the Air forces: there is the Air Force proper and another air force as a part of the Air Defense branch of the military.

The military organization is over manned. The exact data of the total numerical strength of military structures is inaccessible. The fact that the White Book *Ukraine's Defense Policy* has not been published for six years seems symbolic: the President's instructions on its annual publication (beginning from 1997) have not been fulfilled since 1997. The estimated manpower of the main military structures of Ukraine is presented in the Fig. 1.9 In general, according to expert estimates, one of 50 Ukrainian citizens is employed in military structures, most of them wear military uniforms and bear arms. This situation should be corrected.

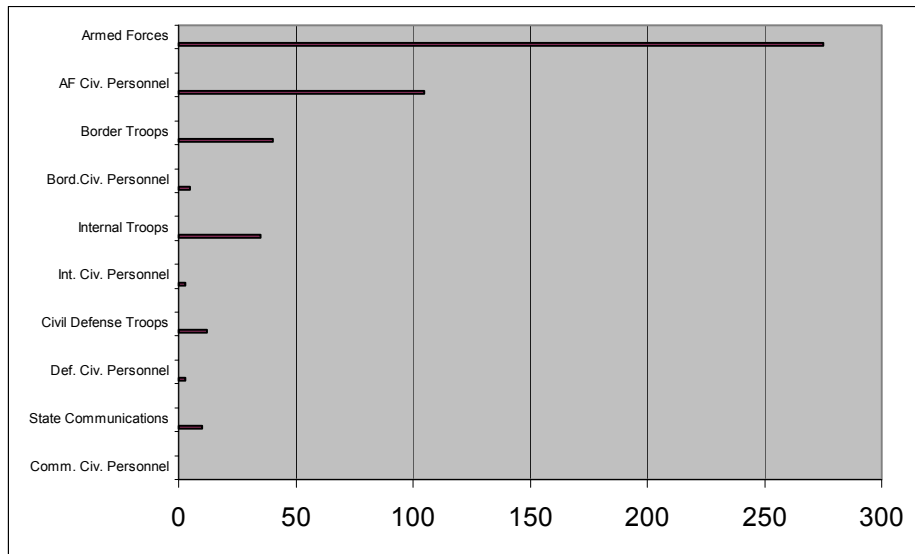


Fig.1. Manpower of Ukrainian's Military Structures in 1999, x1000

⁹ "Military Reform in Ukraine: The Start, or Another False Start?" Analytical Report of the Ukrainian Centre for Economic and Political Studies, *National Security and Defense*, 2000, No. 1, p. 5.

Until recently, the functions of the military organizations have not been properly defined. Laws on military structures specify duties in different ways. Those of the Civil Defense Troops, Border Troops, Internal Troops and the Security Service are described more or less clearly, while for the armed forces the same is presented in a too generalized manner.¹⁰ This hampers strategic planning, distribution of manpower and hardware, and drafting of operation plans.

None of the military structures is funded according to the planned amounts, as budget revenues are continuously disrupted. Continuation of this process will bring grave consequences. Every state needs more resources, but in Ukraine this problem is especially acute, given the depth of the economic crisis. The amount of arrears is comparable to the amount of allocated funds. For instance, the armed forces keep living on credit, and the imbalance between needs and available resources is disastrous. The yearly indebtedness of the armed forces reaches 90% of the MOD budget.¹¹ And this is only the documented debt. The so-called “accumulated debt” is 10 to 15 times larger.¹²

Combat readiness of military structures remains low. The number of “unready” and “partly ready” units is not decreasing. The reasons for that include the poor technical condition of equipment and the inadequate provision of material resources. There are other reasons, too: efforts of commanders (and limited resources) are often channeled not to ensure better combat training, but to arrange demo events, especially those conducted under international cooperation plans. Combat training is becoming more and more conditional, exercises are held on maps and in classrooms, firing practice is mainly conducted from static positions. Ukraine operates more than 900 airplanes but can hardly select 10 to 15 pilots able to perform combat missions at night, in bad weather conditions,

¹⁰ The functions of Ukraine’s armed forces are too general: they encompass the defense of Ukraine, protection of its sovereignty, territorial integrity and inviolability of its borders. In Great Britain and Canada those functions are defined more precisely. For instance, the White Book of the Canadian Government determines their character (containment of a low- or high-intensity conflict), composition of allocated manpower and equipment (number and classes of ships, warplanes, regiments and brigades), deployment readiness (24 hours, three weeks), duration of combat operations without reinforcements, etc. So, the Canadian military receives concrete initial information for planning. Exactly those indices serve as a basis to control the armed forces, which raises the responsibility of both military and civilians for the use of budget funds.

¹¹ See: Grytsenko, A. *Civil-Military Relations in Ukraine: On the Way from Form to Substance*. NATO Fellow Paper, July 1, 2000.

on the level of NATO standards.¹³ The preparation of reservists has been terminated; the reserve component has become imaginary and exists on paper only. The low level of mobilization readiness calls into question the execution of planned events in a threatening situation.

The condition of weapon systems is unsatisfactory. Ukraine has already reached the limit line where the uncontrolled loss of weapons and equipment's operability began. This happened in 1997 and 1998. Today 70% of weapon types require capital repair; 40 to 50% of equipment is obsolete. If weapon systems are not reequipped at a rate of 4 to 5% a year, all talk of efficient armed forces should be dropped. Given the present strength of military units, reequipment would mean the purchase (full modification) of 45 aircraft, 10 ships, hundreds of tanks and IFVs, and several thousand trucks a year. In order to maintain the fighting power of the armed forces in their present composition, at least \$2 to \$3 billion should be spent on the purchase and maintenance of weapons and equipment annually. According to NATO standards, Ukraine should spend from \$5.5 to \$7.5 billion a year on those weapons, which equals the country's annual budget.¹⁴

Ukraine's armed forces long ago turned into an army of workers and peasants. The prestige of the active duty remains low, and the quality of recruits is deteriorating. More than 18,000 men are evading military conscription,¹⁵ despite the fact that some 90% of conscripts are either released from duty or enjoy postponement rights. The low moral and poor psychological condition of servicemen may be explained by the impoverishment of their families and the absence of any chance to obtain an apartment in the next 15 to 20 years. Monetary allowances do not allow officers to keep their families, and they are forced to look for extra earnings. More than 80% of officers describe the living conditions of their families as "below average" and "low," 54% have not bought any major consumer goods, such as a TV set, furniture, or a refrigerator over the last 3 to

¹² This refers to delayed terms of reequipment, housing for the military, curtailment of reservist training, etc.

¹³ See: Grytsenko, A. *Civil-Military Relations in Ukraine: On the Way from Form to Substance*. NATO Fellow Paper, July 1, 2000.

¹⁴ Ibid

¹⁵ *UNIAN*, September 20, 1999.

4 years. Cantonments and outstations house “a great many educated, qualified citizens ~ former servicemen and their dependants and 60% of them are unemployed.”¹⁶

The transition of the armed forces to manning on a professional basis happens slowly and does not lead to a rise in combat effectiveness. There are only 28 thousand men serving in the armed forces on a contract basis, and other military structures employ another 11,000 such servicemen. Replacement of conscripts is not an easy task: only 10% of contract soldiers occupy positions vital for combat effectiveness, such as squad leaders, tank and IFV crew commanders. Another 90% prefer to serve on more comfortable administrative and logistic positions.

The system of officer training is ineffective and uneconomical. Training of civilian specialists for the military sector has never begun. The military education system employs more than 10% of the total armed forces’ manpower. Even minimum requirements of educational institutions cover 20 to 25% of the defense budget. A unified system of military training for all military structures has not been created; it exists on paper only. In the National Defense Academy of Ukraine officers study as much as two years, whereas in the USA ~ no more than 10 months. Maybe this is the reason for the incomplete manning of officers’ positions at operational-tactical and operational-strategic levels. The high fluidity of officers does not favor the mastering of official duties and their efficient performance. Compared to 1992, the staffing of lower officers’ positions fell from 90% to 60%. More than 3,000 positions of platoon leaders remain vacant, while this link is immediately related with training of soldiers.¹⁷ Military reform is impossible without sound personnel policy.

These factors show that resolute actions of civilian authorities need to be aimed at further reducing the manpower of military structures, providing required funds, strictly setting priorities, and enhancing civilian control over the military.

¹⁶ Extract from the Defense Minister’s report at a Congress of Officers of the Armed Forces of Ukraine, July 13, 1999.

¹⁷ See: Grytsenko, A. *Civil-Military Relations in Ukraine: On the Way from Form to Substance*. NATO Fellow Paper, July 1, 2000.

B. SOCIAL ASPECT

An important element in reforming Ukraine's army is the spirit of its elite, the officers' corps. Officers account for only 28% of the servicemen, but their role in reforming the Army is decisive. Sociological studies¹⁸ show that officers' spirit can hardly be seen as favorable for military reform. The critical situation in Ukraine's economy adversely affects its entire society, but officers suffer additional financial and moral damages conditioned by the specificity of military service.¹⁹

Recent sociological studies²⁰ prove a gradual transformation of the Ukrainian officers' value system. The analysis shows a noticeable discrepancy between the values inherent to officers and those held by society, as respondents see them. This affects officers' spirit negatively. Such socially important values as moral authority, family life, zest for life, social activity and patriotism are suppressed. Instead, the environment encourages values, which are evidently negative: consumerism, passivity, solitude, cynicism and skepticism. The majority of officers suggest that the present Ukrainian society encourages, above all, aggressive entrepreneurship. Public orientation toward leadership and power, frugality and time-serving also remain realistic.

Some poll results are somewhat unexpected: officers' evidently negative attitude to leadership, power, and aggressive entrepreneurship is unusual. At the same time, from the point of view that reliable civilian control over the military should be established, the absence of a desire for power among officers seems a positive factor.

Despite all difficulties, Ukrainian officers stick to their military duty: nearly 50% of those polled assess their social status positively. A positive assessment of their social status is more characteristic of young officers who served less than five years (32.6%); it is least characteristic of officers serving 11 to 15 years. Mid-level officers' mostly

¹⁸ Razumtsev, O. "Social Aspects of Armed Forces Reform: the Spirit of Ukrainian Officers." *National security and defense*, 2000, No. 2, p. 40-48.

¹⁹ Twenty five percent of officers live in quarters that they own, but in rural area, only 16% of officers have their own apartments. Almost 45% of officers are forced to live in hostel rooms without conveniences, or rent apartments. Seven percent of officers live separately from their wives and children. Another important problem lies in the absence of jobs for their dependants. As many as 35% of officers' wives cannot find a job; and in some garrisons this percentage amounts to nearly 52%.

²⁰ The polling of servicemen of the Ukraine's army was conducted by Colonel O. Razumtsev and his team for five years.

negative perception of their social status is an alarming signal, as this category is set to come into the command of the armed forces soon.

Over the recent years, officers' attitude has been mostly negative. As the Figure 2 illustrates, from "1" (apathy, depression) to "5" (elation, enthusiasm), officers' spirit never reached the average "3" mark, and in 1996²¹ fell to an unprecedented low of 1.74.²²

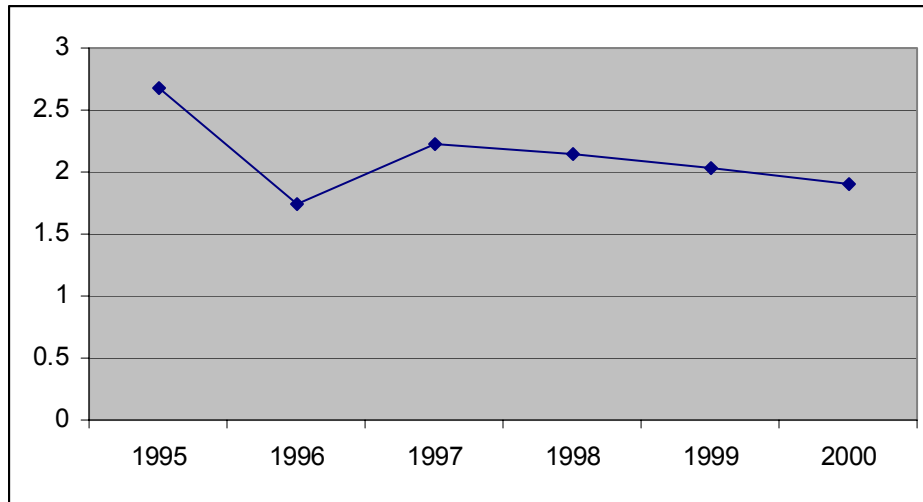


Fig. 2 Characteristics of Officer's Attitude

Ukrainian society is undergoing a general transformation of values: from asceticism, personal abnegation, the prevalence of social values over personal ones, to universally recognized values (an individual, personal material and moral priorities). Figure 3 below demonstrates that this tendency did not bypass the armed forces either.²³

²¹ Experts believe this occurred because of a new wave of reshuffling in the MOD and the General Staff leadership.

²² The data is taken from: Grytsenko, A. *Civil-Military Relations in Ukraine: On the Way From Form To Substance*. NATO Fellow Paper, July 1, 2000.

²³ Ibid

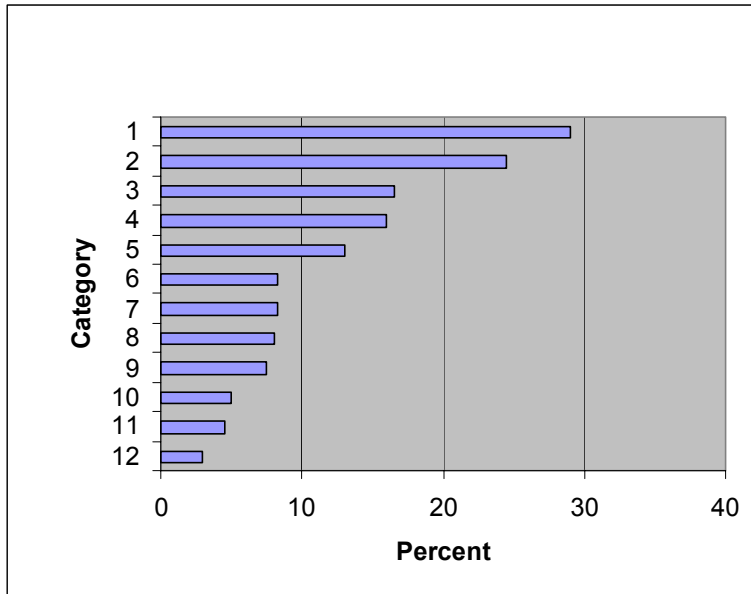


Fig. 3 Officer's Rating of Professional Activity Values

1. Personal welfare
2. Achievement of high professional skills
3. Ability to serve in comfortable conditions, not to tire of service
4. Social justice
5. Achievement of high social status
6. Creative work, materialization of intellectual capabilities
7. Materialization of strong physical and spiritual properties
8. Possibility of independent decision making
9. No strong opinion
10. Spare time for activities not associated with military service
11. Authority, more power
12. Possibility for communication with those who have a kinship with you.

Nearly one-third of officers (29.3%) rank personal welfare in first place with respect to their service. The second position is occupied by the aspiration for high professional skills. These officers, ready to do “good work for good reward” create good preconditions for the armed forces’ transfer to volunteer service.

As Figure 3 makes clear, the second (by importance for officers) bar is composed of socially oriented values: aspirations for good service conditions, social justice and high social status. The poll results therefore show the importance of the social aspects of reforming Ukraine’s armed forces.

The section below concerns of the creative professional values of the officers' work: the ability to materialize one's intellectual, physical and spiritual potential, and to make decisions on one's own.

Confidence in the prospects of the military service is a crucial factor characterizing the officers' spirit. Unfortunately, almost one-half of officers (47.3%) see no prospects in the military service but have no intention of retiring. Officers still have hopes for positive changes, and therefore, can contribute to the reform of the armed forces. Fortunately, the number of officers with no desires or aspirations in their activities but intend to continue serving in the armed forces (so-called "ballast"), fortunately, accounts for only 4.4%.

Nearly 51% of the polled officers are dissatisfied with their service, and only 22% give a positive answer to this issue; the rest are "undecided". Evidently, the social activity of officers is dropping. At the same time, they view enterprise and frugality more positively than before. These tendencies should be taken into account with respect to military reform planning.

What is most disturbing is that only 17% of officers view the prospects of military service positively and would like their children to become professional soldiers; moreover, 66% of officers are against their children continuing a military dynasty. The recent unpopular decisions of the civilian authorities to cut social guarantees for the military²⁴ give no reasons for optimism. These decisions will further decline the officers' spirit, and suppressed personnel are not a good starting point for successful military reform.

Considering the data presented, an efficient system for monitoring social and psychological processes should be created in Ukraine's armed forces. Recruiting sociologists and psychologists to develop and to implement the reforms of the armed forces is on the agenda.

All the above illustrates that from the points of their effectiveness, their ability to execute the task of maintaining national security, the position the Ukrainian armed forces occupies in the state's social system is not only imperfect, but far from satisfactory. The

²⁴ Parliamentary resolution on budget-2000 of February 18, 2000.

conclusion can be drawn that after twelve years of so-called “military reform,” the Ukrainian military itself needs the real reform immediately.

IV. CIVIL-MILITARY RELATIONS IN UKRAINE: ACHIEVEMENTS

Despite the obviously poor state of the Ukrainian military, it would be fair to mention the considerable achievements Ukraine has gained in the field of civil-military relations.

According to experts in social science (Samuel Huntington, Michael Desch, Larry Diamond, Juan Linz), the quality of civil-military relations for contemporary democracies is measured, first of all, in terms of accountability and controllability of the military by civil society through democratically elected powers. Basically, civil-military relations are only good if the civilian control over the military is established and maintained. This chapter and the following one are dedicated to analyzing the civil-military relations in Ukraine.

Such an analysis reveals some positive changes and trends that should be consolidated and developed. Since independence, a network of state and public institutions supervising the activities of the military structures has been established. This is a skeleton on which a truly effective system of civilian control over the military can be eventually formed.

In Ukraine, a regulatory-legal basis to govern military structures and various aspects of civil-military relations has been generally formed. The state has established bureaucracies to coordinate and to oversee the military. Cooperation of different authorities in matters related to the defense budget and to developing state programs in the military field is improving; the system of the state control over arms sales also functions quite reliably. The military structures are gradually becoming more transparent and open to society. Furthermore the military interaction with the mass media and public institutions is becoming more productive. The Ukraine's military organization has been freed of party involvement; political parties now have no significant influence on its operation.

A. CREATING STATE AND PUBLIC INSTITUTIONS TO CONTROL THE MILITARY

After declaring its independence, Ukraine basically created a system of civilian control over the military that encompasses all branches, and basic state and social institutions.

The Constitution of Ukraine (1996) defined the basic functions and powers in regard to national security and defense and distributed them among various state bodies.

The Concept (fundamentals of state policy) of National Security of Ukraine (1997) specified the principles and strategic assignments to form and to implement a national security policy. This created the fundamentals to develop and to adjust a legislative base, drafting doctrines, strategies, state and departmental programs in all the domains of national security.

The competence of state bodies responsible for civilian control is stipulated in the Law of Ukraine “On the Defense of Ukraine” and other laws that deal with the general problems of the military.²⁵

The functions of the Ukraine’s armed forces, other military structures and law-enforcement are stipulated in the laws of Ukraine “On the Armed Forces of Ukraine,” “On the Border Troops of Ukraine,” “On the Internal Troops of the Ministry of Internal Affairs of Ukraine,” “On Civil Defense in Ukraine,” “On the Security Service of Ukraine,” and so on.

In general, there are reasons to state that a regulatory-legal base has been established in Ukraine that regulates the basic operation and further development of the system of civilian control over the military. The Verkhovna Rada adopted 125 laws that directly deal with military structures, and the parliament of the present convocation ratified more than 50 of them.

The President of Ukraine as the head of state, the guarantor of the state sovereignty and territorial integrity of Ukraine and the Commander-in-Chief of Ukraine’s

²⁵ Specifically, in the laws of Ukraine “On the Universal Military Duty and Military Service,” “On Social and Legal Protection of Servicemen and Their Dependants,” “On State Border of Ukraine,” and in the “Temporary Regulations of Officer Service.”

armed forces manages the domains of national security and defense. He controls the military structures through the Presidential Administration, the National Security and Defense Council of Ukraine and the General Military Inspectorate under the President of Ukraine. Heads of Ukraine's military structures are immediately subordinate to the head of the state and appointed by the latter without Parliament's consent. The President establishes consulting and advisory bodies that attend to issues pertaining to the defense sector.²⁶

The Verkhovna Rada as a highest supreme legislative body performs the function of civilian control via permanent parliamentary committees.²⁷ A special role in civilian control over the observance of human rights in the army can be assigned to the institute of the Verkhovna Rada Ombudsman on Human Rights (N. Karpachova), established in 1998. Temporary special and investigative commissions may be formed to prepare parliamentary decisions and to investigate some important issues. The Accounting Chamber (Head — V. Symonenko) is attached to the Verkhovna Rada. It supervises budget spending.

The Cabinet of Ministers as a supreme body within the system of executive authorities participates in providing Ukraine's defensive capability and national security. Within the structure of the Government's Secretariat, there is a specialized Department on Expert Assessment and Analysis of Defense Mobilization Activities, Law Enforcement and Judicial Bodies (headed by Major-General A. Palamarchuk). The government supports the military structures' activity.²⁸ The control of the military budget is assigned to the State Audit Service.

Local state administrations and councils oversee the Constitution and laws of Ukraine, the acts of the Ukraine's President, the Cabinet of Ministers and other executive

²⁶ The following bodies may be added: Coordinating Council for Social and Legal Protection of Servicemen, Retired Servicemen and Their Dependents, Coordinating Council for the Development of the Ukrainian Cossacks, etc.

²⁷ First of all, the Committee on National Security and Defense (Chairman — B. Andresiuk, First Deputy Chairman — Lieutenant General A. Chykal; the Committee consists of 22 People's Deputies, six of them — active duty military), the Committee on Legislative Support for Law Enforcement (Chairman — Lieutenant General I. Bilas), the Budget Committee (O. Turchynov).

²⁸ It drafts budget proposals (the Ministry of Economy, the Ministry of Finance), financial support (State Treasury), coordination of international (the Ministry of Foreign Affairs), educational and research (the Ministry of Education and Science), regulatory (the Ministry of Justice), economic (State Property Fund)

bodies, with respect to units and servicemen of military structures located on their territory. Local authorities play an especially important role in the support for everyday activity of military garrisons, sponsorship and in emergency situations whereby troops are busy accomplishing internal functions.

Bodies of judicature and prosecution oversee the implication of laws in the defense field, punish violators, resolve disputes, initiate and examine criminal cases.

Within the system of civilian control, the mass media, political parties, public institutions, including non-governmental research organizations and the academic community, provide feedback between the authorities and society. They form public opinion, identify problem areas in the defense field, propose resolutions, and therefore, influence the government's decision-making process.

The church primarily concentrates its activity in military structures on education and guaranteeing human rights of servicemen with respect to the freedom of conscience and faith; influential Christian communities have cooperative agreements with some military structures.

It is very important that state and public institutions, in one or another form dealing with civilian control, later be united into a single system of democratic civilian control over the Ukraine's military structures to meet the criteria of effectiveness specified in the next chapter.

B. CREATING THE BODIES FOR COORDINATING AND CONTROLLING THE MILITARY BY THE EXECUTIVE BRANCH

These bodies include, first of all, the National Security and Defense Council (NSDC) of Ukraine and the General Military Inspectorate (GMI) under the President of Ukraine.

The NSDC of Ukraine (established in 1996²⁹) is a constitutional body responsible for coordinating and controlling the executive branch activity in the sphere of national security and defense. The Prime Minister of Ukraine, the Minister of Defense of Ukraine,

and other kinds of activity.

²⁹ From 1992 to 1996, the National Security Council of Ukraine was active as an advisory body under

the Head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine and the Minister of Foreign Affairs of Ukraine are ex-officio members of the NSDC of Ukraine. The NSDC can also incorporate heads of other central executive bodies.³⁰ The NSDC Secretary (General of the army of Ukraine Ye. Marchuk) is in charge of organizing its work and implementing the Council's decisions.

From 1992 to 2000, Ukraine's NSDC reviewed defense issues at its meetings ten times. These issues included:

- the State Program for the Building and Developing Ukraine's Armed Forces through 2005;
- the State Program for Reforming and Developing of Ukraine's Armed Forces through 2005;
- the State Program for the Developing Arms and Military Technology;
- Ukraine's international arms and disarmament treaties;³¹
- funding the Ukraine's armed forces;
- mobilizing resources, preserving ammunition depots in Ukraine, and planning strategic employment of the Ukraine's armed forces.

The staff of Ukraine's NSDC (near 80 persons) renders everyday information, analytical and organizational support for the Ukraine's NSDC. It employs mostly civilian experts, although there are many retired servicemen, too. The NSDC staff operates a specialized Department of Defense Security Planning, whose competence encompasses the issues of defense and military-industrial policy (the respective sections are chaired by Major General V. Tiutiunnyk and Colonel B. Kostenko).

Ukraine's President.

³⁰ Apart from the above-mentioned members of the Council, the head of state by his decisions introduced there the Minister for Emergencies, the Minister of Environmental Protection and Natural Resources, the Head of Administration of the President of Ukraine, the Minister of Finance, the Head of the State Committee for Protection the State Border, the Minister of Justice, the Chief of the General Staff of Ukraine's armed forces, the President of the National Academy of Sciences and the Secretary of Ukraine's NSDC. Therefore, the NSDC of Ukraine presently includes 15 persons, seven of them — military.

³¹ The decisions made were reflected in relevant documents dealing with Ukraine's nuclear status, its observance of flank limitations, strategic bombers, etc. For more detail on Ukraine's NSDC activity, see: Horbulin V. "On the Activity of Ukraine's National Security and Defense Council from 1994 to 1999." *Stratehichna Panorama*, 1999, No. 4, p. 18-22.

The influence of the Ukraine's NSDC staff on issues dealing with military structures' activity is stronger in such domains as developing the regulatory-legal basis, defense budget planning, human resources management, coordinating international military cooperation, drafting the armed forces, weapon systems and military hardware development programs, controlling arms sales, resolving separate important issues (promotion of the AN-7X project,³² preparing the Ukrainian-Russian agreement on strategic bombers, etc.)

The GMI under the President of Ukraine (nearly 40 persons) is a body of presidential oversight of Ukraine's military structures. The GMI is headed by Colonel General V. Sobkov. Unlike the NSDC staff, it employs much more active or retired servicemen (generals and senior officers). GMI's primary functions are inspecting and overseeing the activity of the military structures.³³

Recently, information analysis departments were established in the military command structures; and on their basis, an automated information system was created, accessible to the General Military Inspectorate. Proceeding from the analysis of this information, the GMI provides the President of Ukraine and the Ukraine's NSDC with real-world information on the activity of the armed forces and other military structures.

Hence, the head of state has effective levers of control over the Ukraine's military. The significant representation of active or retired servicemen in these structures points to the predominantly "military nature" of civilian control from the Ukraine's President.

³² The project directed at the involvement of Western European aviation designers and manufacturers in the joint Russian-Ukrainian project of middleweight cargo airplane An-70.

³³ The GMI operates inspectorates: of the armed forces and Civil Defense forces of the Ministry for Emergencies; of the Border Troops and Territorial Communication Centers of the Department of Special Telecommunication Systems and Information Protection under the Security Service of Ukraine; of the Internal Troops of the Ministry of Internal affairs of Ukraine; of different kinds of support (maintenance, logistics, financial-economic and medical support) for military structures; on humanitarian issues, education, military discipline and military schools, research centers and organizations of the Association for Assisting Ukraine's Defense. For more detail, see: Sobkov, V. "The Role and Place of the General Military Inspectorate under the President of Ukraine within the Structure of Ukraine's Military Organization." *Nauka i Oborona*, 1999, No. 4, p. 10.

C. CREATING THE MECHANISM FOR COOPERATION BETWEEN THE BRANCHES AND BODIES OF GOVERNMENT TO RESOLVE DEFENSE ISSUES

The coordinated efforts of the authorities made it possible to achieve some progress in the most sensitive areas, such as the defense budget planning, approval and oversight, drafting state programs of military structures' development, and controlling arms sales.

The most critical sphere in civil-military relations is the budget, since the interests of different ministries, departments, political parties and social groups intersect in the budget process.

In Ukraine, decision-making with respect to the defense budget lies in the competence of the Verkhovna Rada and the President of Ukraine. Relevant decisions are drafted by the Cabinet of Ministers, the Ukraine's NSDC, the ministries of economy and finance, military structures and specialized parliamentary committees. The function of control rests with the Presidential Administration, the Ukraine's NSDC, GMI, the Accounting Chamber of the Verkhovna Rada, the State Audit Service, the General and Military Prosecutors' Offices, and the judicial bodies.

The variety of channels for making defense budget decisions and controlling its execution presents more possibilities to achieve compromise (acceptable for all parties) and to avoid faulty decisions. This practice is applied in the majority of democratic countries.

Joining the efforts of the Ministry of Defense, the Ukraine's NSDC staff and specialized parliamentary committees makes it possible to discuss the defense budget more specifically and map its structure somewhat closer to western standards.³⁴ Beginning in 1998, the number of expense items in the budget reached 16, which has made it more transparent, gradually moving it away from mere audit, and making it more functional.³⁵ In comparison to the previous years, the items of other military structures'

³⁴ Military Reform in Ukraine: "The Start or another False Start?" UCEPS Analytical Report, *National Security and Defense*, 2000, No. 1, p. 22.

³⁵ The budget classifier was introduced in Ukraine in 1998. Until that time, budget expenditures were described briefly in the budget in a couple of lines.

expenses were also presented in more detail.³⁶ Therefore, the budget for the military structures is gradually improving and becoming transparent for the legislative branch and for the public.

Drafting state programs to develop the military structures no apostrophe presents possibilities for eschewing the continuous solution of everyday “survival” problems, sets long-term strategic targets, balances national needs and resources in the long run and lays down the fundamentals for steady progress.

It is worth noting that in his program speeches, President Leonid Kuchma calls measures at reforming the military a “nation-wide assignment” and demands for “imparting new dynamism to this work.” The head of the state termed “optimizing the structure and numerical strength of the military structures subordinated to other agencies, specifically the Ministry of Internal Affairs, the Security Service of Ukraine, the Ministry for Emergencies and Border Troops,” an important and urgent task.³⁷ This makes it important to preserve and to apply the accumulated valuable experience of joint work of different branches, civilian and military specialists. The experience of this cooperation will be useful for training civil servants for possible employment in the military sector, and, therefore, strengthening civilian control over the military structures.

Dozens of civilian specialists (diplomats, economists, lawyers) from different government bodies involved in relevant activities within the framework of formulating the above-mentioned state programs present the cadre reserve that over time can reinforce the military structures and strengthen their civilian management.

Arms sales is one of the most closed spheres, which often provokes abuses due to its high profitability and secrecy. Dozens of unequivocal publications in Ukraine’s mass media prove that over the first three years of independence, control over the sales of arms and military hardware in Ukraine was rather fragmentary and not very effective.³⁸

³⁶ For instance, the 2000 budget presents nine articles of Ukraine’s Security Service expenses, while in the previous years — only two.

³⁷ The speech of President L. Kuchma at the expanded meeting of the Ministry of Defense Board on November 23, 1999.

³⁸ Until now, the final results of investigation performed by the ad hoc investigative commission of the Verkhovna Rada of the previous convocation have not been made public. There is no exact information whether such a commission is operational in the present Parliament, or it was liquidated along with other

Since then, measures aimed at establishing a system of arms sales control have been taken in Ukraine; and today, there are grounds to speak about reliable civilian control of that field. Resolute actions of the government in this domain were urged by the following factors: (1) the real threat of irreversible loss of a large share of the military-industrial complex potential;³⁹ (2) Ukraine's losses on the arms market is the result of uncoordinated actions of national arms producers; (3) pressure from influential foreign countries and international organizations in order to prevent Ukraine's violations of international norms of arms trade; (4) criticism in the Verkhovna Rada and the mass media. Furthermore, Ukraine obtained expert and financial assistance, primarily from the U.S.⁴⁰

An important element of civilian control in this sensitive sphere is the Ukraine's State Export Control Service (O. Leheida is the head) that enforces regulations in this sphere, first of all, by licensing trade in defense or dual-use items. The state also defines a short list of organizations (enterprises) that have the exclusive right to conduct negotiations with foreign partners, sign contracts, make deliveries, end so on.

Reliable control over arms sales is possible under the condition of appropriate coordination of all concerned structures, including the State Export Control Service, the State Company "Ukrspetsexport," the Ministry of Defense, the Ministry of Foreign Affairs, the Security Service, the State Customs Service, the State Committee for Protection of the State Border and many others. According to the President's decision, such coordination is entrusted to the Commission for the Policy of Export Control and Military-technical Cooperation with Foreign Countries under the President of Ukraine. The Commission was established in 1999 and is headed by the First Deputy Secretary of Ukraine's NSDC Colonel General V. Radchenko.⁴¹

special (temporary) commissions of the Verkhovna Rada in the summer of 2000. Therefore, the public has not received a convincing answer about rumors of enormous (\$20-30 billion) losses of the state as a result of the alleged uncontrolled sale of arms in that period.

³⁹ Only over the last four years, the number of enterprises and organizations within Ukraine's military-industrial complex decreased four-fold; the number of their employees — seven-fold. See: Zhurets S. "Defense Industry Needs Your Protection!" — *Kievsky Telegraph*, July 31- August 6, 2000, p. 8.

⁴⁰ The U.S. allocated close to \$14 million to introduce an automated system of export control in Ukraine. See: *UNIAN*, December 8, 1998.

⁴¹ The Commission coordinates the positions of different ministries and agencies and makes decisions as to the sale of arms and military hardware to a specific country, with account of requirements of international regimes that limit Ukraine's activity in this field.

In July 2000, the President of Ukraine established the State Commission for Ukraine's Defense-industrial Complex as a central executive body possessing a special status (the head is V. Horbulin). The Commission enjoys vast powers coordinating the activity of government bodies, various enterprises and organizations in the military-technical field. Evidently, this body will actively participate in the development (coordination) of the draft of State Program for the Development of Arms and Military Hardware. This would encourage better substantiation and definition of its strategic targets and priorities with respect to the possibilities and limitations of the national economy and the perspectives of Ukraine's military-technical cooperation with other countries.

Strengthening these important bodies will impart concrete substance to civilian control over the military by achieving higher efficiency of Ukraine's military-technical cooperation with other countries, working out a balanced (backed with resources) State Program for the Development of Arms and Military Hardware, and renewing production at defense enterprises.

D. THE NETWORK OF NON-GOVERNMENTAL RESEARCH AND PUBLIC ORGANIZATIONS IS EXPANDING

The Ukraine's society, or at least its elite, has begun to comprehend the importance of strong democratic civilian control over the military. This is shown by public organizations' activities in this sphere.

In such domains as human rights, the patriotic education of servicemen and the preparation of youths for military service, important roles belong to the Organization of Soldiers' Mothers, the Union of Officers of Ukraine, the Ukrainian Cossaks, and some youth associations.

At present, there are close to 50 non-governmental research centers in Ukraine and this figure is continuously increasing. Few of them are active in the military sphere: one can mention the Ukrainian Independent Center for Political Studies, the Ukrainian Center for International Security Studies, the Ukrainian Center for Economic and Political Studies, the Center for Army, Conversion and Disarmament Studies, the Center

for Non-proliferation Studies, the Center for European and International Studies and the Center for Peace, Conversion and Foreign Policy. The main source of funds for their activity is the support of charity foundations, foreign representative offices and separate business structures. Non-governmental research centers employ a significant intellectual potential. The Ukraine's government could use this potential more effectively for the benefit of the state and the entire society.⁴²

Generally speaking, some positive changes are evident in the activity of non-governmental research centers and public organizations dealing with civilian control. The employment of their potential depends, first and foremost, on establishing mechanisms for cooperation with Ukraine's authorities.

E. THE OPENNESS OF THE MILITARY TO THE SOCIETY

Granting journalists true information about the state of affairs and military structures' activities, readiness of the military leadership to respond promptly to important events that concern journalists (and, correspondingly, ordinary citizens) and their unprejudiced attitude to critical publications are the guarantee of trust in civil-military relations in general, and the high authority of military structures' leaders in particular.

The declared course toward the building of fundamentals of democracy in Ukraine had a positive effect on consolidating the mass media positions in treating military subjects. The number of materials dealing with the military structures rose

⁴² An example of fruitful cooperation between non-governmental analytical centers and the government is presented by the experience of the RAND Corporation (USA). Its projects include "Monitoring of International Technology Transfers" (ordered by the U.S. Administration and the U.S. National Scientific Foundation), "Cooperation with Private Companies for Satisfying the Needs of the US Army" (ordered by the U.S. Army Chief of Arms), "Comparative Analysis of Expenditures on Servicemen and Civilian Personnel" (ordered by Under Secretary of Defense for Personnel), "Assessment of Potential of Employing the Reserve in Local Conflicts" (ordered by Assistant Secretary of Defense for Reserve) and some other. RAND is also active in Ukraine: American experts render assistance to the Ministry of Defense of Ukraine in implementing up-to-date knowledge of defense planning, study possible ways of converting the Uzin airbase (ordered by the governments of the U.S. and Ukraine). Apart from interaction with influential analytical structures, such as RAND, a common practice in the West is the involvement of scholars representing university research centers. For instance, in 1998, two professors (O. Subtelny from Toronto and N. Mykhailishyn from Ottawa) examined the state of civil-military relations in Ukraine pursuant to an order of the Ministry of Defense of Canada.

significantly: after 1996, periodicals published close to 2,000 articles and commentaries (see Figures 4, 5 “The Number of Publications on Military Issues”).⁴³

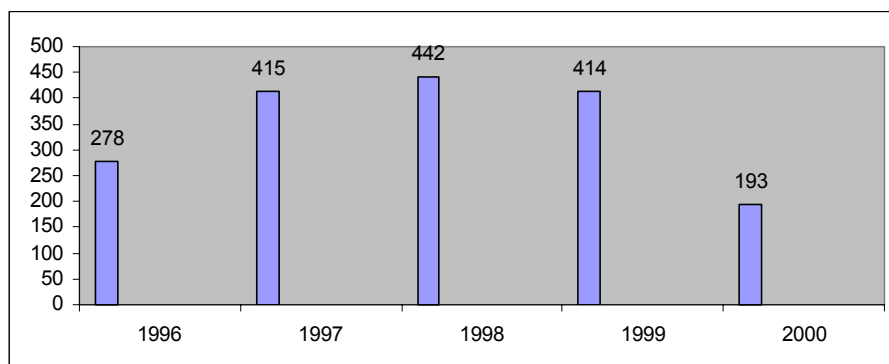


Fig. 4 the Number of Publications on Military Issues over the Time

The range of defense-related issues covered by the press is clearly expanding. This makes it possible to draw the authorities’ and society’s attention to a wider range of defense problems (see Figure 6 “Coverage of Military Issues in Mass Media”).

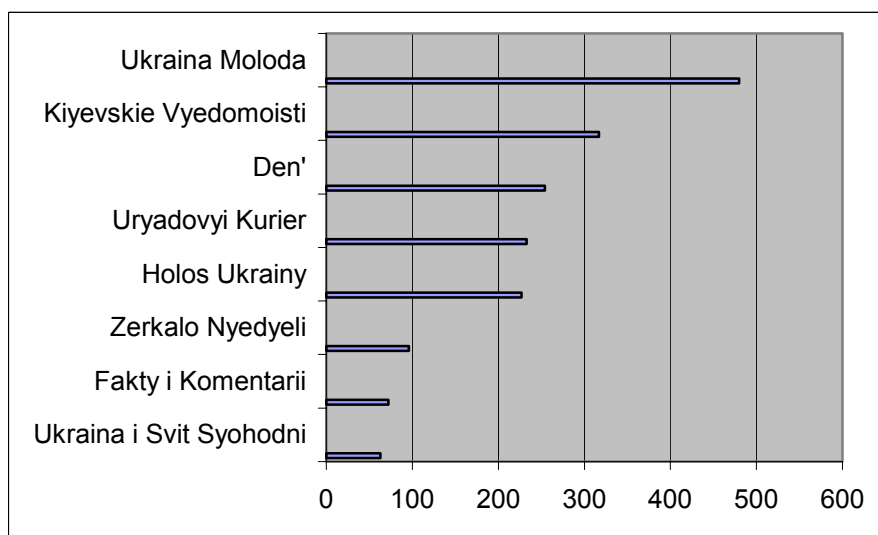


Fig. 5 the Number of Publications on Military Issues by the Name of a Paper

As it is clear from the Figure 6, the mass media pay particular attention to the problems of combat readiness (485 publications), arms and military hardware

⁴³ UCEPS experts analyzed the 1996 to 2000 archives of non-departmental periodicals that more or less regularly publish materials on military subjects: the newspapers *Holos Ukrayiny*, *Den'*, *Zerkalo Nedeli*, *Kievskie Vedomosti*, *Ukrayina i Svit Siohodni*, *Ukrayina Moloda*, *Uryadovyi Kuryer* and *Fakty i*

development (365) and military discipline (153). The mass media always vividly respond to accidents involving the military.⁴⁴ The problems of military reform in Ukraine also remain topical for journalists (see Figures 6, 7 “The number of publications on military reform”).⁴⁵

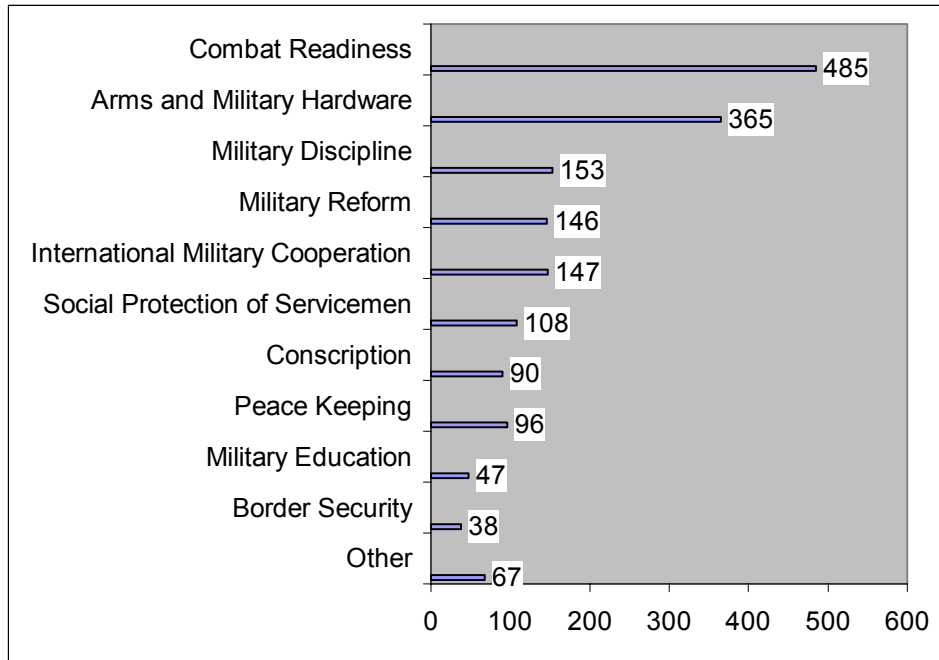


Fig. 6 Coverage of Military Issues in the Mass Media, and the Number of Publications about Particular Issues

There are signs of the mass media’s influence on military reform. Evidently, public discussion of the problem of draft and the inexpediency of preserving the conscript service, along with other factors, affected the position of the Defense Ministry, which would reduce the term of conscript service to 12 months in 2005 and would perform a complete transition to the professional armed forces by 2015.

Kommentarii.

⁴⁴ This was the case after the “Tochka” missile hit a residential building in the town of Brovary, after publication of information about the conditions of ammunition storage at depots outside Kyiv, disappearance of journalist G. Gongadze, exposure of the “anti-constitutional conspiracy,” the outbreak of toxicodermatitis in the Mykolayiv region. For instance, in the course of one month, Ukraine’s press published over 80 materials about the Mykolayiv contamination, which mentioned the Ministry of Defense in different contexts. Critical publications somehow influence the behavior of military structures’ leaders, making them publicly announce their position. This is surely a step forward in comparison with the Soviet times.

⁴⁵ The data is from UCEPS analytical report. *Natsional’na Bezpeka ta Oborona*, 2000, No. 11.

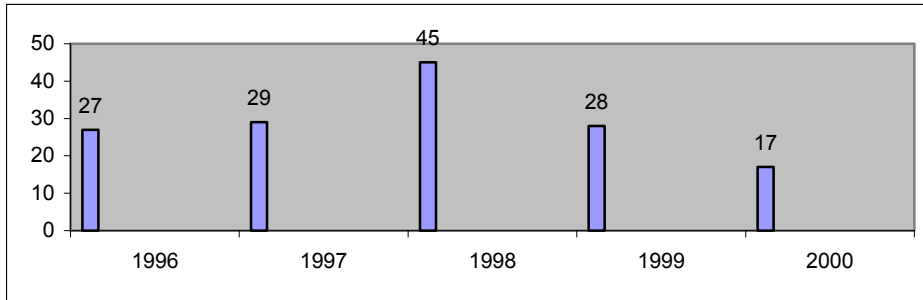


Fig. 7 the Number of Publications on Military Reform

Progress is also evident in the work of departmental mass media that cover the activities of separate military structures. The total circulation of the Interior Ministry publications alone gives 273,000 copies. The Ministry of Defense publishes 14 newspapers and magazines, operates its own television and radio studio. One of their functions is “providing for coordinated actions of different social institutes, groups, ordinary citizens for strengthening the country’s defense capability.”⁴⁶ This is an important aspect of civil-military relations in the society.

Every military structure now has its own press service. By the number of briefings and the volume of timely information made available to the public, journalists distinguish the activity of the Ministry of Internal Affairs.

The ministries of defense, internal affairs, emergencies, and the Security Service of Ukraine have opened their WEB-sites on the Internet. At present, they give only superficial coverage of the state of affairs in the military; they are evidently insufficient for any serious analysis; the information is renewed with delay. However, even these changes are a step toward greater openness of the military structures.

F. THE MILITARY IS FREED OF PARTY INVOLVEMENT

To be sure, military servants, just like other citizens, have their political preferences and support one political party or another at elections. However, the military organization of the state has been freed of party influence, since over the years of

⁴⁶ “The Concept of Development of the System of Ukraine’s Armed Forces’ Mass Media,” approved by the Minister of Defense of Ukraine order on January 20, 1994.

independence the Ukraine's military has never been involved in political conflicts or exerted any noticeable influence on the political developments in the country. This was conditioned by the following factors.

First of all, the Verkhovna Rada approved legislative acts that prohibit establishing organizations of political parties within military structures.⁴⁷ In this way, by contrast to the Soviet era, when CPSU locals were active in every unit, the Ukraine's military structures have been freed of party influence. This eliminated any direct influence on the military from political parties, whose number has exceeded one hundred in Ukraine. The military units' non-involvement in political struggles is conducive to strengthening civilian control.

Secondly, the military rests great hopes in democratic rather than forcible mechanisms of state administration. Only 18% of polled servicemen believe that "Ukraine's Army can assume control over the situation in Ukraine and establish order in society."⁴⁸ The results of other polls⁴⁹ testify to the absence of pronounced striving for power in the officers' corps. It is inherent only in one officer out of ten (see Figure 8 "Desire for Power among Officers of Ukraine's Armed Forces.")⁵⁰

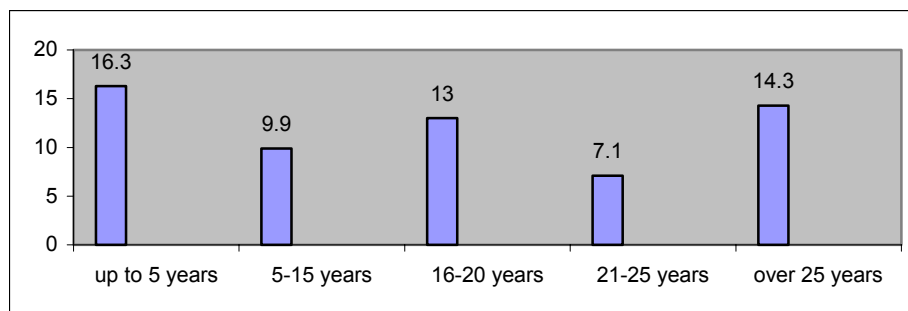


Fig. 8 Desire for Power among Officers of Ukraine's Armed Forces. % of the Polled, by Term of Service

⁴⁷ Pursuant to Article 11 of the Law of Ukraine "On the Armed Forces of Ukraine," "activity of any political parties and movements in Ukraine's armed forces is prohibited." Article 5 of the Law of Ukraine "On Social and Legal Protection of Servicemen and Their Dependents" contains a similar provision: "Servicemen cannot be members of any political parties, organizations or movements."

⁴⁸ Razumtsev, O. "The Army Does Not Believe in a Military Threat" *Mizhnarodna Bezpeka*, 1999, No. 1, p. 78.

⁴⁹ Razumtsev, O. "Social Aspects of Armed Forces Reform: the Spirit of Ukrainian Officers" *National Security and Defense*, 2000, No. 2, p. 42.

⁵⁰ The data is from UCEPS analytical report. *Natsional'na Bezpeka ta Oborona*, 2000, No. 11, p. 37

Despite social and economic problems, the Ukraine's population also gives preference to democratic forms of state governance: "Military rule" would be supported by only 7.1% of polled citizens.⁵¹

Orienting the military and the entire population toward resolving Ukraine's complex problems through the available mechanisms of state power and abiding by the principles of democracy creates favorable conditions for strengthening civilian control of the Ukraine's military structures.

G. THE CADRE BASE OF CIVILIAN CONTROL EXPANDS

Even in the absence of a system of goal-oriented training of civilian specialists for executive positions within the military structures in Ukraine, the number of experts who could assume such positions is rising. The state leadership should create the cadre reserve (relevant database) for future appointments.⁵²

The cadre reserve could incorporate civil servants with experience in resolving defense issues within the Presidential Administration, the Secretariat of the government, the Verkhovna Rada, the National Security and Defense Council staff, the General Military Inspectorate under the President of Ukraine, the State Export Control service, the ministries of foreign affairs, economy, finance, justice, education and science, etc.

The military structures can employ Ukraine's People's Deputies who previously worked in the Verkhovna Rada committees dealing with national security, defense and legislative support for law enforcement.

The potential of many former government officials and military leaders who quit civil (or military) service for different reasons, but possess the knowledge, experience and desire to work, also remains unclaimed.

⁵¹ Bychenko A., Zhdanov I. UCEPS Opinion Poll: "Nation, Power, Referendum." *National Security and Defense*, 2000, No. 2, p. 9.

⁵² The experience of civilians in the Defense Ministry proved that their appointment should be preceded by diligent work aimed at reforming the structure of the central apparatus and clear delimitation of functions between civilians and the military. Employed at top executive positions were: V. Shmarov — Defense Minister (1994-1996), A. Dovhopolyi — Deputy Minister of Defense for Armaments (1996-2000), O. Urban — Director of the Foreign Relations Department of the General Staff of Ukraine's armed forces (1995-1996), and a small number of former and present deputy department heads.

Ukraine's foreign partners offer assistance in training civil specialist for employment in the military structures. Ukrainian representatives are regularly invited to attend training courses. Their organizers encourage the participation of civilian specialists dealing with defense issues.

The U.S. IMET (International Military Education and Training) program also offers vast possibilities for personnel training. From 1994 to 2000, Ukraine was allocated more than \$7 million within the framework of that program; 212 people underwent training, including 62 civilians from the staff of the Verkhovna Rada, government structures and the military (see Table "IMET Program: General Indicators").⁵³

Fiscal year	Training expenses, \$ Thousand	Number of students	
		Total	Civilians
1994	600	8	1
1995	707	40	23
1996	1,019	33	9
1997	1,015	37	9
1998	1,250	46	16
1999	1,250	48	4
2000	1,375	33	1
Total	7,216	212	62

Table 1. IMET Program: General Indicators

A total of 96 representatives of Ukraine, including 40 civilians, studied at training courses at the George C. Marshall European Center for Security Studies. Another 200 persons were trained at short-term courses or took part in seminars.⁵⁴

Ukraine obtains significant assistance within the framework of NATO's "Partnership for Peace" Program: Ukrainian representatives are invited to courses of

⁵³ This data is from the Office of Defense Cooperation of the U.S. Embassy in Ukraine.

⁵⁴ See: Kennedy R. "Ukraine is not a Buffer Zone, but a Bridge between the East and the West." *Narodna Armiya*, September 29, 2000, p. 3. It is worth noting that special training within the framework of the IMET Program and in G. Marshall Center was undergone by high-level civilian and military executives: among the latter are K. Hryshchenko, L. Minin, V. Chumakov; generals I. Bizhan, M. Hudym, S. Malynovskyi, V. Muntiyany, V. Paliy, B. Pylypiv, V. Sytnyk, O. Shchykotovskyi, etc.

civil-military relations organized in the USA, Belgium, the Netherlands, Turkey, Switzerland, Sweden and other countries.

Western non-governmental organizations also play a prominent role in the organization of specialist training for Ukraine. Ukrainians are well aware of the “Harvard Program,”⁵⁵ which involved 89 Ukraine’s representatives, including 46 generals and officers and 43 civilian specialists, within three years. Among them were Ukraine’s People’s Deputies, representatives of the Presidential Administration, the staff of the Cabinet of Ministers, the Ukraine’s NSDC, the GMI under the President of Ukraine, the military structures, ministries and agencies, Ukraine’s research centers and NGOs.

Another example is the training program “Democratic Civil-military Relations,” annually organized in Canada with the participation of specialists from the leading universities and non-governmental research centers of that country. Each time the program involves three Ukrainian representatives (from the ministries of defense, foreign affairs, Ukraine’s NSDC staff and other government bodies).

Of course, training of civilian specialists for accomplishing defense assignments must be organized in Ukraine. This is an objective of national significance. In this connection, hopes are pinned on the National Defense Academy of Ukraine, on whose basis relevant training courses are planned, starting from 2003.

The analysis of civilian control in Ukraine proves that some positive tendencies that can be consolidated and furthered.

The regulatory-legal basis that governs the basic issues of operation and further development of the system of civilian control over the military has been formed. There is a network of state and public institutions in place that oversee of the military structures' activities.

Within the system of state governance, the bodies for coordinating and controlling the military structures' activities have been created. As a result, the President of Ukraine

⁵⁵ A special issue of the *National Security and Defense* magazine was devoted to this program (2000, No. 7).

has obtained important levers of control over the military. Reliable civilian control has been established with regard to the arms trade.

The mechanisms of cooperation between the branches of power and the separate bodies of the state governance are being established with the aim of advancing the military sector and drafting long-term state programs. The military structures budgets' formation is gradually being perfected and becoming more transparent both for the legislative body and for the public.

The cadre basis of civilian control is expanding. Dozens of civilian experts (diplomats, economists, lawyers) from different bodies of the state power, who were involved in important projects of forming state programs to develop the defense sector, comprise the reserve of executives capable of reinforcing the military structures and strengthening civilian leadership.

Ukraine's foreign partners render substantial assistance in training civilian experts for employment at military structures. At the same time, training of civilian specialists for defense assignments must be commenced in Ukraine. This is an important objective with national significance.

The military structures are gradually becoming more open for the society; their interaction with the mass media is improving. A network of non-governmental research centers and public organizations is being formed. Employing their potential (creativity and experience) primarily depends on establishing mechanisms of cooperation with the Ukrainian authorities. For this reason, it is very important that the state and public institutions presently involved with some functions of civilian control be united into a single system of democratic civilian control over the Ukraine's military.

Ukraine's military organization has been freed of party involvement, and at present, political parties have no significant influence on its operation. Orientation of the military and the entire population at solving complex problems of the present day through the available mechanisms of state governance, on the basis of abiding by the principles of democracy, creates favorable conditions to strengthen civilian control over Ukraine's military structures.

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V. CIVILIAN CONTROL OVER THE MILITARY IN UKRAINE: PROBLEMS

In contrast to the previous section, which discussed the achievements of establishing the system of civilian control in Ukraine, Chapter V concerns the unresolved issues and negative manifestations of civil-military relations. The analysis of how the Ukraine's system of civil military relations works in practice is made by collating the assessments and involves the following criteria for evaluating the civil-military relations' effectiveness and maturity:

- **Criterion 1.** Defining the role, functions and missions of all military structures by the political leadership.
- **Criterion 2.** Ensuring a reliable scheme of military structures' subordination to the head of the state, clear delimitation of powers and responsibility between government bodies, and between civilians and the military by a system of civilian control.
- **Criterion 3.** Ensuring the parliament's effective supervision over the military structures by a system of civilian control.
- **Criterion 4.** Ensuring high prestige of the military service in society, and a high level of public trust in the military structures by a system of civilian control.
- **Criterion 5.** The presence of favorable conditions for open discussion on defense issues involving broad public prior to making important state decisions.

A. CRITERION 1. DEFINING THE MILITARY STRUCTURES' ROLES, FUNCTIONS AND MISSIONS

Basically, the role, functions and missions of each of Ukraine's military structures are legislatively defined. However, the corresponding provisions of Ukraine's Constitution and the laws are too general. The acts of the President, the Cabinet of Ministers, ministerial public documents also contain few concrete provisions and little

background data. In such a situation, it is very difficult for the military to substantiate the numbers of required manpower and materiel, funds, supplies, technical and other resources or to draft plans for combat training and operational employment. Having military budget proposals vague and unstructured, civilians have few options to audit the military's proposals objectively, to control the objectives and the quality of troops' training, or their readiness to accomplish assigned missions. For instance, the effective legislation specifies defensive functions of separate military structures as follows: for the Internal Troops of the Ministry of Internal Affairs — "participation, in wartime, in territorial defense in the vicinity of guarded objects,"⁵⁶ for the Border Troops — "repelling the invasion of armed structures on the Ukraine's territory, stopping armed and other acts of provocation on Ukraine's state border."⁵⁷

Without specifying potential enemies and the possible direction of a threat, such formulations make it difficult to answer the following questions:

- What manpower and materiel are needed to perform those functions? What weapon systems should be deployed with the troops?
- What should the organizational structure of military structures and the location of units be like?
- What criteria should be used to check their combat readiness? How can budget proposals be substantiated on the basis of such functions?

Proceeding from these indistinct functions, the military can "reasonably" ask for a 400,000 strong grouping with a budget of \$2 billion. Civilians can equally "reasonably" approve military manpower at the level of 20,000 men and allocate \$20 million for their maintenance. If this curtails combat training, it would be impossible to prove that its level does not meet the requirements.

It is noteworthy that the State Program for Reforming and Development of Ukraine's Armed Forces through 2005 somehow specified the military's functions and assignments. However, this specification is still too far from being acceptable. Here are just two examples.

⁵⁶ The Law of Ukraine "On the Internal Troops of the Ministry of Internal Affairs of Ukraine." Article 9.

The State Program stipulates that “the armed forces must be constantly ready for the participation in peacekeeping and humanitarian operations under the auspices of international organizations by the manpower of up to one brigade (numbering 2,000-3,000 men).”⁵⁸ However, there is a large difference between training 2,000 and 3,000 men. Maintaining the Ukrainian 240th peacekeeping battalion in Bosnia (with only 400 men) costs close to 20 million hryvnias a year. Is it worth providing such “scissors?” And how can the troops’ functional readiness or the use of budget funds for their training be checked without defining how many soldiers are to be trained — 2,000, or 3,000?

Another example of the poor assignment of the militaries functions and assignments is defining the missions of the Ukraine’s Navy in the State Program: “destroying enemy targets; assisting the ground force in combat operations in seaboard directions.”⁵⁹

Unfortunately, such indistinct formulations of the missions make it difficult to determine how many warships of different classes Ukraine needs, how many aircraft of the naval air arm (and of what types) are necessary, and does it need any at all? Indeed, “destroying enemy targets” can involve the air force, the missile force, artillery of the ground force, or the air defense force. Furthermore, “assistance to the ground force at combat operations in seaboard directions” can be provided by the naval forces of the Border Troops, or even by the mercantile fleet (if “assistance” includes sealift).

Some other questions also remain unanswered: What country, Russia or Turkey, can attack Ukraine from the sea, since no other country in the region has sufficient forces for this? If this were Russia, would it be tempted to attack from the sea, and should Ukraine build its Navy proceeding from the possible scenario of war with Russia? And if Ukraine were attacked from the sea by Turkey, would there be any doubt about a Russia’s possible reaction to this (Russian Black Sea Fleet will be stationed in the Crimea until 2017).

⁵⁷ The Law of Ukraine "On the Border Troops of Ukraine." Article 6.

⁵⁸ The State Program for Reforming and Developing Ukraine's Armed Forces through 2005. The special edition of the Ministry of Defense of Ukraine, Kyiv, 2000, p. 22.

⁵⁹ The State Program for Reforming and Developing of Ukraine's armed forces through 2005. The special edition of the Ministry of Defense of Ukraine, Kyiv, 2000, p. 34

If more questions are asked (by civilians and the military, and they ought to ask those questions), then, a more general problem arises: does Ukraine need the Navy in regard to the missions formulated in the state program? Or, maybe, the Navy is needed, but the State Program does not define other, more important missions assigned to it.

More attention should be paid to the state program objective of providing for the merger of the two fleets (the navy and the naval forces of the Border Troops) into one force⁶⁰ capable of protecting the Ukraine's sea economic zone and maritime boundary in peacetime and performing combat missions against possible aggression. In this case, the money saved could be used for other purposes, such as strengthening the intelligence, the air force, or the marines.

The military doctrine could play an important part in defining defense functions and missions. However, the present military doctrine of Ukraine (1993) has long become obsolete, given the recent changes in the world, the situation in the region as well as the situation near Ukraine's frontiers. Furthermore, Ukraine's capabilities at maintaining the existing military structure have declined drastically. As a result, the lowering of its combat readiness poses a real threat to national security.

No effective system for drafting the military doctrine has been created in Ukraine. The same refers to other defense-related bills. To be sure, some experience has been gained, but it is premature to speak about a systematic work. Probably, no one was made responsible for drafting the military doctrine, since drafts have been developed by the Ministry of Defense, expert groups and single experts, each separately, for five years now. In May 1997, the Minister of Defense of Ukraine, O. Kuz'muk, said in a speech to the Armed Forces Academy that the new military doctrine "has already been drafted."⁶¹ The fate of this draft is unknown. Later, Parliament decided on developing the new military doctrine before the end of 1999. This document was not published in the mass media or distributed among the people's deputies. According to the recent statement by

⁶⁰ The State Program for Reforming and Developing of Ukraine's Armed Forces Through 2005. The special edition of the Ministry of Defense of Ukraine, Kyiv, 2000, p. 34. See also: *National Security and Defense*, 2000, No. 1, p. 4, p. 33.

⁶¹ See: Zhurets S. "Forward, to the Past!" — *Den'*, April 25, 2000, p. 3.

the NSDC Secretary Ye. Marchuk, Ukraine will not have a new military doctrine until the end of 2001.⁶² Ukraine still does not have it.

The concept (fundamentals of state policy) of the national security of Ukraine (1997) was intended to become the basis for creating a relevant legislative base, drafting doctrines, strategies, concepts, state and departmental programs in different spheres of the national security, including the military. However, because these fundamentals were stated too vaguely, not a single document of national importance has been approved on the concept for over six years since its approval. So far, even the mentioned in the Verkhovna Rada Resolution No.3/97-BP of January 16, 1997 laws “On the National Security of Ukraine” and “On Foreign Intelligence” have not been ratified.

The effective legislation contains some contradictions and does not regulate entirely the possibility of the armed forces involving for internal functions. As the Minister of Defense, O. Kuz'muk, put it, the army “already actually performs” some of those functions, which requires clear regulation on legislation.⁶³

The Ukraine's regulatory-legal base should establish solid fundamentals to develop and to stabilize the military structures. Regrettably, it has not fully performed this task. Therefore, the problem of inadequate funding of military structures lies not only in the limited resources of the state, but also in the indefiniteness of the military' functions and missions, regarding the nation's needs and capabilities.

Generally, one can judge the limited effectiveness of civilian control over the military in Ukraine by this criterion. The ambiguous definition of the military' functions in Ukraine's Constitution and the laws and the absence of a list of specific missions that should be elaborated in regulatory acts make it impossible to train the military structures for future employment purposefully, or to realistically plan their development.

⁶² This conclusion can be drawn from the words of Ye. Marchuk that the development of Ukraine's National Security Strategy is planned to be completed in the first half of 2001, and that this strategy could form the basis for working out Ukraine's Military Doctrine. See: *INTERFAX-UKRAINE*, October 9, 2000.

⁶³ Kuz'muk O. “The Development of Ukraine's Armed Forces is a Planned, Thoroughly Grounded and Public Process.” *Narodna Armiya*, February 24, 2000, p. 4. UCEPS experts stressed the necessity of legislative regulation on the issue of the internal functions of Ukraine's armed forces in January 2000 (*National Security and Defense*, 2000, No. 1, p. 48-52).

B. CRITERION 2. ENSURING A RELIABLE SYSTEM OF SUBORDINATING THE MILITARY TO THE HEAD OF THE STATE

There are no grounds to raise doubts about the reliability of Ukraine's military structures' subordination to the popularly elected head of state: The Ukraine's President, in fact, is in sole charge of their activity. Formal (and more particularly real) levers of the presidential control on the military structures are much stronger than those of the Cabinet of Ministers or the Verkhovna Rada. Given the frequent rotation of the government and the functional weakness of the Verkhovna Rada, this situation can be assumed justified.

Ukraine's legislation limits the powers and areas of responsibility of different state powers, but the President beyond doubt has the dominant role in strategic decision-making.⁶⁴ Parliament's role is confined primarily to formally approving the defense budget and reviewing bills dealing with the functions of the military structures, bills, which are normally drafted by those structures themselves.

The Cabinet of Ministers mostly resolves matters of the military structures' everyday operation. Truly important powers of the Prime Minister—"guidance, coordination and control of the activity of the Ministry of Defense, the Ministry of Internal Affairs, Ukraine's Security Service, the State Committee for Protection of the State Border of Ukraine, and the Department of the State Guards Services, within his authority"⁶⁵-are not backed with adequate organizational and human resources.

First of all, in contrast to other important spheres of the Cabinet's activity, no relevant government committee in charge of preparing and coordinating the government's decisions in the sphere of the state strategy in defense and law enforcement was established.

⁶⁴ Some deficiencies and contradictions in the effective legislation persist. For example, the Ukraine's Constitution provides that the President of Ukraine is the Commander-in-Chief of the armed forces only, although other legislative acts entrust defensive functions also to the border troops, the internal troops of the Ministry of Internal Affairs, the civil defense forces of the Ministry for Emergencies, the Security Service units, etc. Such uncertainty in the basic law can cause a conflict of laws. For instance, when the Commander-in-Chief's orders (directives) set operational tasks not only for the armed forces, but also for other military structures.

⁶⁵ See: Appendix 1 to the Cabinet of Ministers' of Ukraine resolution No. 83 of January, 21 2000 "Functional Powers of Ukraine's Prime Minister, First Vice Prime Minister, Vice Prime Ministers and the Government Secretary of the Cabinet of Ministers." It is worth noting that the Law of Ukraine "On the Cabinet of Ministers" intended to fix the division of powers and responsibilities within the system of the executive branch has never been adopted (and even its separate key provisions have not been finalized yet).

Secondly, in the end of 1999, the new scheme for subordinating of the heads of the military structures was issued that limited preparing strategic decisions in the military within. Presidential structures and excluded the Cabinet of Ministers from the process. This was not conducive to raising the cabinet's role. The ministers of defense and internal affairs were not included in any of the cabinet's committees, which also proves the insignificant control the Cabinet of Ministers has over the military structures.

Third, the Cabinet's Program of Action "Reform for Well Being" does not define the strategic goals of defense and law enforcement at all; neither does it define the immediate tasks, terms and ways of their accomplishing, or allocated for them resources.⁶⁶ This means that reforming the military structures' and the providing the well being of servicemen and their families are beyond the focus of the cabinet's activities.

The Ukraine's NSDC (headed by the President) and the Cabinet of Ministers in some extent duplicate each other: both structures are entrusted with the duty of coordinating and controlling the activities of executive bodies' regarding national security and defense.⁶⁷

Therefore, a contradictory situation appeared, in which (a) the President of Ukraine has broad powers over the activity of troops, but his responsibility for the state of affairs is, in fact, limited, since he does not resolve financial issues and has no current structures to support the military organization; (b) the Verkhovna Rada is in charge of the budget, but does not approve the programs to develop the defense sector and, consequently, bears no responsibility for their execution; (c) the Cabinet of Ministers does not resolve strategic issues, and, correspondingly, is not responsible for the final result (even worse, cabinets do not survive long in Ukraine). In this way, the oversight of the military structures exists, and it is quite effective, but it is hard to identify those responsible for the present critical situation.

Also, the situation is complicated by the absence of direct civilian control and responsibility over the military structures in Ukraine. The military structures have few

⁶⁶ See: Grytsenko, A. "Government Program: Does Anything Like This Exist?" *Zerkalo Nedeli*, March 18, 2000, p. 7.

⁶⁷ See: Kartavtsev, V., Chornousenko, O. "Conceptual Fundamentals and Problems of Legal Regulation of Ukraine's National Security System." *Polityka i Chas*, 1998, No.1, p. 3-9.

civilians employed in executive positions, so their powers and responsibilities are automatically shifted to the military. As a result, the key sectors, which in the democratic countries are traditionally controlled by civilians – executive oversight of the national defense policy, logistics, cadre policies, maintenance, personnel education and training, international cooperation, legislative activity, relations with the authorities, etc., are governed by generals in Ukraine. Consequently, control over the military resides with the military. The outcome is known: Ukraine's military, and first of all, its main element - the armed forces - is in a deep crisis.

Seven years ago both the head of the state⁶⁸ and the military leaders objectively assessed the combat readiness of Ukraine's armed forces. Then, in 1996, when the military hardware was not so obsolete, and the defense budget was several times higher than the present one, Colonel General I. Bizhan said that the combat readiness of the army was declining.⁶⁹ Now there are more and more general declarations of the armed forces' readiness to accomplish any assignment of the President to defend the homeland.

Civilians who have no military knowledge often assess the combat readiness of the army, proceeding from the number of main weapon systems-tanks, aircraft, warships, air defense systems-and the numerical strength of the armed forces. Indeed, judging by these indicators, Ukraine appears much stronger than the majority of European countries. However, the numerical strength of the army and the quantity of weapon systems are only two indicators; no less important ones are the level of combat training, the status of the armed forces' provision with materiel, the military's morale, and many others. Some quantitative and qualitative assessments of these parameters, made by servicemen themselves, are presented below.

⁶⁸ "Ukraine Does Not Need Funny Armed Forces, but It Needs a Full Value Army." The President Kuchma's speech at the extended meeting of the MOD Board on December 13, 1996. *Uryadovyi Kuryer*, December 17, 1996, p. 3-4

⁶⁹ "The lack of funds for acquisition of fuel and spares leads pilots, tankmen, truck drivers to lose their skills. Without adequate practical exercises, the level of training of the personnel and coordination of all arms and services of the Ukraine's armed forces decreases. Especially disturbing is the situation in the air force and air defense forces, whose combat readiness continues to decline. This is connected with the low rate of repair and insufficient remaining life of the main types of aircraft and airborne weapon systems... The armed forces are capable of accomplishing set missions with certain limitations, specifically: extended terms of combat readiness due to under manning, the absence of required supplies of fuels, lubricants and other materiel." See: Bizhan I. "The Guarantor of Security and Territorial Integrity of the State." *Uryadovyi Kuryer*, September 3, 1996, p. 7.

1. Combat Training

The level of the Ukraine's air force's combat training, defined as one of the priorities of the armed forces' development, arouses concern: "As far as the overall picture of the military service is concerned, this year, we encountered still greater difficulties. We obtained four times less fuel than over the same period last year."⁷⁰ For this reason, only 40% of the pilots can have flying practice.⁷¹

In other services, the situation is similar: "Inadequate material support makes combat training simplified and limited. The majority of vehicles and weapon systems are kept at military depots and are not used due to the lack of fuel. There is also a shortage of personnel in the units. For this reason, no large-scale exercises with full deployment, involving large contingents, are conducted."⁷²

The border troops command is also concerned about the problems of combat training: "Inspections show that the process of forming professional skills of frontier guard commanders is superficial. The old, time-tested methods have been forgotten, and new, more effective ones have not been found. The result is the imperfect work of the entire system of personnel training. . . To be plain, the level of training, especially with respect to NCOs, contracted servicemen and conscripts, for guarding the frontier in the present conditions is still far from what is needed".⁷³

2. Logistics

The work of the logistical service cannot be termed other than a fight for survival: "With UAH 283 million needed for the Defense Ministry's food provision, in reality, we can expect only UAH 170 million. As of today, the daily ration of a soldier costs UAH 4. As far back as March, this sum was equal to UAH 3.60."⁷⁴ The "privileged" air force has the same problems: "For six months, only 13% of the needed funds was allocated for the

⁷⁰ Strelnykov, V. "Military Aviation Holds out Thanks to Devoted People." *Narodna Armiya*, August 23, 2000, p. 4.

⁷¹ Badrak, V. "Ukrainian Weapons of the 21st Century. Whom to Make Friends with?" *Zerkalo Nedeli*, September 16, 2000, p. 2.

⁷² Lavreniuk, A. "LTC Lytvyn's Commanding Priorities." *Narodna Armiya*, April 21, 2000, p. 5.

⁷³ Shysholin, P. "The Border Troops Proved to Ukraine's People Their Ability to Accomplish the Missions under Any Circumstances." *Prykordonnyk Ukrayiny*, July 2000, No. 21, p. 3-4.

⁷⁴ Tkachuk, R. "The Risk of Default Must be Equal to Zero." *Narodna Armiya*, July 13, 2000, p. 5.

provision of air force units.”⁷⁵ The logistical support of the border troops is no better than that of the armed forces: “In the first half of 2000, logistical support was organized in the conditions of insufficient funding for the maintenance of troops. In fact, we obtained only 55% of funds earmarked by the border troops’ budget. For the provision of food, only 36% of the planned amount was allocated, but the logistical service of the border troops manages to provide rations for the personnel even in such conditions.”⁷⁶

3. Medical Support

The situation is simply intolerable: “Our minimum requirement for the acquisition of medicines, confirmed by the Ministry of Finance and the Ministry of Economy, takes UAH 220 million a year. After the adjustment in the Cabinet of Ministers, we were told that the minimum sufficient level of the medical service funding was UAH 70 million, but the budget allocates only UAH 19 million, and our bills are paid in the amount of UAH 8 million, which is 3.6% of the required amount.”⁷⁷

4. Maintenance

Funding for the acquisition of weapon systems and military equipment is scarce. “The armed forces are funded on the minimum level; that only maintains the everyday activity of the army without implementing any expensive training and equipment.”⁷⁸ Over the last five years, the state has earmarked \$311 million to acquire, modernize and repair weapon systems and military equipment. This money was enough to buy 10 MIG-29 warplanes, or equip one tank regiment with new hardware,⁷⁹ or build one frigate. However, even this, insignificant for a five-year term, renovation of equipment did not take place, since the earmarked funds have never been granted.

⁷⁵ Lysytsiya, N. “The Road to Mastery and to the Pilot’s Heart Lies through the... Logistical Services.” *Narodna Armiya*, September 26, 2000, p. 3.

⁷⁶ Lishchynskyi, O. “Despite All Difficulties, the Troops are Provided with Everything They Need” *Prykordonnyk Ukrayiny*, No. 21, July, 2000, p. 5.

⁷⁷ Bilyi, V. “Military Medical Service Existed, Exists and Is Set to Survive.” *Narodna Armiya*, April 7, 2000, p. 4.

⁷⁸ Shchykotovskyi, O. “The Role of Civil Service in the Ukraine’s Armed Forces’ Structures and the Ways it is Raising.” *Narodna Armiya*, March 31, 2000, p. 3.

⁷⁹ T-80UD tanks, 2C19 152-mm self-propelled howitzers, “Strila 10M3” SAMs, and other weapon systems.

According to the estimates of the National Institute for Strategic Studies,⁸⁰ Ukraine's fighting potential decreases by 9% a year due to the absence of spare parts and other materiel, and delay in preventive maintenance and repair. Therefore, today, it does not exceed 20% of Ukraine's potential in 1991. On account of the absence of real practical skills in arms and operating equipment among the military, it can be assumed equal to 10%.

5. Law Abidance

Every kopeck must be spared in this critical situation. However, the facts prove to the contrary: "Mismanagement, irresponsibility, ignorance, unwillingness to defend the economic interests of the state have become the norm of behavior for some commanders and executives. . . In 1999, losses and shortages of materiel rose almost 2.5 times as much as in 1998. The largest amounts of losses and shortages falls on the Western and Northern operational commands: UAH 9.3 million and 7.6 million, respectively. . . The amounts of financial infringements also rose. Unlawful spending of budget funds rose almost two-fold. . . Embezzlement and theft amounted to UAH 318,000. These crimes implicated, among others, financiers, i.e., those to whom public funds are entrusted by the virtue of their position. The greatest losses and shortages were connected with fuels, lubricants and hardware: they rose almost ten-fold, compared to 1998."⁸¹

6. Morale

The results of sociological surveys prove that the social mood of officers in recent years has been generally negative. Under the conditions of scanty combat training and social problems consuming all their efforts, suicides are not rare among regular officers. The deputy military prosecutor of the Kyiv garrison H. Ryabenko says: "Today, officers — people with higher education and a huge potential — cannot self-actualize. They feel unneeded by their state... In some, constant stress can cause a breakdown and lead to suicide."⁸² In 1999, over 60 suicides were registered in the Ukraine's armed forces. For

⁸⁰ *The National Security of Ukraine, 1994-1996*. National Institute for Strategic Studies, Kyiv, 1997, p. 75.

⁸¹ Tkachuk, R. A "Centralized Control System Will Fight the Hydra of Crime in the Army." Notes from the meeting of control and audit bodies. *Narodna Armiya*, May 18, 2000, p. 4

⁸² Kim Yu. "An Apartment for the Major. Household Problems Present the Most Frequent Reason for Suicide among Officers." *Kievskie Vedomosti*, June 23, 2000, p. 10.

comparison in the U.S. armed forces, that numbers five times more servicemen than Ukraine's, there were 65 suicides in 1999.

Generally, without proper attention from the civilian leadership of the state, the army appeared to be in a deep crisis: servicemen themselves call the state of combat training, logistics and maintenance unsatisfactory. The morale of military personnel is suppressed. On account of other indicators, such as staff training, the condition of weapon systems and military hardware, etc., one can draw the conclusion that the armed forces are unprepared to accomplish their missions. Readiness of the border troops and other military structures can be assumed limited.

Therefore, Ukraine has failed so far to build a reliable system of civilian control, with clear limits of powers and responsibilities between government bodies, and between civilians and the military. The state of civilian control over the military in Ukraine cannot be assumed satisfactory, since one of its basic principles — responsibility of civilians for the effectiveness of military structures — is violated.

C. CRITERION 3. ENSURING EFFECTIVE PARLIAMENTARY SUPERVISION OVER THE MILITARY STRUCTURES

The present powers of the Verkhovna Rada with respect to overseeing the military are rather limited in comparison to the practice of advanced democratic countries. In fact, the Verkhovna Rada does not wield any effective influence on the military.

Ukraine's legislation does not provide for such "classic" parliamentary powers as approving long-term national military programs, approving key nominations in the military structures, controlling human resource policies, overseeing the combat readiness. The parliament also does not properly use the broad functions of control entrusted to the specialized parliamentary committees.

The problem is that the powers of the Verkhovna Rada were significantly reduced with the adoption of the Ukraine's Constitution. Hence, parliamentary influence on defense issues can be strengthened only through amending the Constitution, which seems impracticable, given Ukraine's internal political situation.

The head of the state, by his decree, has approved the State Program for Reforming and Developing the Ukraine's armed forces through 2005 (1998). The program was approved without a prior discussion in the Parliament, as the Ukraine's Constitution does not require this. It is noteworthy that this document defines the parameters of the total numerical strength of the armed forces,⁸³ although the Constitution concedes it as the exclusive prerogative of the Verkhovna Rada. The Parliament does not review the development programs of other military structures either, which reduces the possibility of their proper funding at the implementation stage.

In fact, the Verkhovna Rada has no influence on the human resources policy in defense and law enforcement. By law, the President does not need parliament's consent to appoint or to dismiss the Minister of Defense, the Chief of the General Staff, and heads of other military structures. Furthermore, he does not need parliament's approval to nominate deputy ministers in relevant ministries, to approve the list of the armed forces positions to be filled by higher officers, to bestow the highest military ranks, etc.

There are two other areas that demonstrate the skewed balance in Ukraine's branches of government.

Parliamentary control in the field of military-technical cooperation is actually absent, too.⁸⁴ The President and the Cabinet of Ministers govern virtually all arms export and import. Also, there is no information about the activity of the Verkhonva Rada's Ombudsman on human rights in the army, not a single report observing human rights and freedoms of servicemen and their families has been made public.

In addition to the parliament's limited influence on defining the priorities of developing the military, the crisis in their funding to a large extent was conditioned by the imperfection of the budget itself. Its limitation on a year-term basis has resulted in the ineffective financing of potential programs to rebuild the military. The defense budget's substantiation requires serious changes. World experience offers rational approaches to

⁸³ For instance, in 2005 it is planned to be 375,000 people, including 295 thousand militaries.

⁸⁴ "The U.S. Congress should be informed about every contract in the sphere of arms trade exceeding \$25 million and about the sale of any weapon system or type, whose unit price amounts to \$7 million. After that, the legislative body of the U.S. should within 30 days either approve or ban the contract." See: Kudashkin, V. "A Comparative Legal Analysis of Military-Technical Cooperation of the Leading World Exporters of Arms and Military Hardware." *Voenno-tekhnikeskoe Sotrudnichestvo*, 2000, No. 34, p. 52

drafting and approving the defense budget. As a rule, military budgets are based on the cyclical (one cycle equal to two or three years) goal-oriented “planning — programming — budgeting” method. This process rests on long-term development plans, adjusted yearly.

The time limitation is not the only problem of forming the budget. No less important ones are the frequent changes in the tax legislation, a significant “shadow” sector of the economy and the non-functional character of the budget. These factors complicate both the collection of budget revenues and the effective use of the allocated funds. Meanwhile, without resolving those issues, one can hardly hope for a stable funding of the military, a transition from the state of “fight for survival” to approaching the standards of developed countries. Here, the parliamentary oversight over the military could be stronger.

Meanwhile, Ukraine found itself in a rather absurd situation. The Verkhovna Rada seemingly advocates profoundly deep reforming the armed forces and strengthening the national defense capability. At the same time, the parliament approves a defense budget that is insufficient even for maintaining the personnel at a decent level. Issues such as combat training warrant no mention at all. The parliament approves the numerical strength of military structures unaffordable for the national economy even after 15 to 20 years of steady economic growth at a rate of 5 to 7% of the GDP a year.

In such a situation it is difficult to speak about realistic assessments made, the preparedness to make important political decisions and, generally, the responsibility of the legislative body for the combat readiness of the troops. Probably, one of the reasons for this lies in the inadequate informing of people’s deputies, and the low level of analytical support for parliamentary committees.

In 1999, the Ministry of Defense’s requested for funding of UAH 29.6 billion, while the minimum requirement was estimated of UAH 9.8 billion.⁸⁵ Meanwhile, the

⁸⁵ "Given the actual economic situation in the country, the Ukraine's MOD determined the minimum necessary requirement of funds, i.e., the level, which allows the Ukraine's armed forces to ensure the survival of troops until the moment of economic stabilization in the country — UAH 9.8 billion. Pursuant to the Law of Ukraine "On the State Budget of Ukraine in 1999" the amount of expenses on national defense was established equal to UAH 1.7 billion." See: Muntiyan V. *The Problems of the Ukraine's Defense Budget. Democratic Control and the Armed Forces of Ukraine (the materials of the seminar,*

budget earmarked only UAH 1.7 billion for the defense needs. Consequently, the actual normative military budget funding is six times less than the minimum requirement, and 17 times less than the normative requirement. Neither the National Security and Defense Committee nor the budget committee have published their own estimates of the budget requirements different from the military's estimate. If the imbalance between the normative requirements of the military and the capabilities of the state is not 17%, but 17 times, it means that the situation cannot be improved through "cosmetic" changes, and responsible political decisions must be taken.

A steady tendency toward reducing the defense budget in Ukraine has been observed for several years now. As a result, Ukraine allocates close to \$1,550 a year to maintain one serviceman, while Russia spends \$3,750 for this purpose, Turkey \$12,700, Hungary \$14,750, Poland \$18,350. And, if we look at developed western countries, in France and Germany, this figure exceeds \$90 thousand, in Great Britain — \$170 thousand, in the U.S. \$190 thousand. Therefore, in contrast with Ukraine, those countries managed to finance their defense needs properly within the limits of their budgets.⁸⁶

According to the Ukrainian Center for Economic and Political Studies (UCEPS) expert estimates, the maintenance of the Ukraine's armed forces at their present strength as well as in the strength approved for 2005 under the NATO standards will cost from \$5.5 to 7.5 billion a year. This is comparable with the total state budget of Ukraine. It is noteworthy that these estimates mainly agree with the military's.⁸⁷

Therefore, parliamentary control over the military in Ukraine is rather limited. At the same time, the Verkhovna Rada uses the few available levers of influence on the situation ineffectively. Presently, the parliament is unprepared to radically improve the situation or initiate drafting and adopting responsible political decisions pertaining to the military in cooperation with the President and the Cabinet of Ministers.

January 25, 1999). The Ukrainian Center for International Security Studies. Occasional papers, May 1999, No. 9, p. 24-30.

⁸⁶ UCEPS analytical report, *Natsional'na Bezpeka ta Oborona* magazine, 2000-11, p. 35

⁸⁷ "The cost of maintaining professional 150,000-strong NATO armed forces is estimated from \$3.2-to 3.4 billion." See: Matiukh. M. "Professional Army. How Can the Dream Come True?" *Narodna Armiya*, April 21, 2000, p. 3

Formally, the parliament has control over the military, but the military's inadequate combat readiness and the lack of reform testify that Ukraine's military is far from the world's standards and requires practical steps to improve it.

D. CRITERION 4. ENSURING PRESTIGE OF THE MILITARY SERVICE IN SOCIETY

The prestige of military service in Ukraine is very low. This is witnessed, first of all, by the results of public opinion polls. According to the results of a sociological survey conducted by UCEPS, more than 34.4% of respondents consider the professional military service (of officer, non-commissioned officer, contracted serviceman) "prestigious" or "very prestigious." Out of 14 professions mentioned in the questionnaire, respondents attached the military the tenth place.⁸⁸ The military profession surpassed only those specialties that do not require high qualification or education.

Servicemen themselves (officers and NCOs) rate the prestige of being in the military very low; and this attitude is worsening. While in 1993 61% of the polled assessed the prestige of the military profession as "low" or "very low," in 1998, this number increased to 87%.⁸⁹

Another indicator of the falling prestige of the military service in the eyes of professionals themselves is the unwillingness to encourage their children to join a service. In 1993, such an unwillingness was expressed by 49% of the polled, in 1998 by 66%.⁹⁰

Professional prestige is conditioned by the system of incentives and benefits (primarily of a material nature) established by the state and society for a certain professional group. The fall of the military's prestige in Ukraine is understandable, when one considers the various reasons for this decline.

⁸⁸ UCEPS analytical report, *Natsional'na Bezpeka ta Oborona* magazine, 2000-11, p. 36

⁸⁹ See: Afonin, E. *The Establishment of Ukraine's Armed Forces: Social and Socio-psychological Problems*. Kyiv, 1994, p. 242, 246; Grechaninov, V. *Ukraine is the Country of Unrealized Hopes: an Outside Look at the Choice of Ukraine's Political Course*. Kyiv, 1999, p. 32.

⁹⁰ See: "Military Reform in Ukraine: the Start or Another False Start?" UCEPS Analytical Report, *National Security and Defense*, 2000, No. 1, p. 11.

For instance, military personnel no longer can maintain a decent standard of living for their families. Although in 2000, basic pay was raised and money allowances were paid regularly, ensuring a normal social and political status of military servants is problematic.

Also, the legitimate social rights of servicemen are violated. The legislative norm of “officer service under a contract”⁹¹ is unenforceable, executing the provision of “prohibition of servicemen rights’ infringement”⁹² is not observed. In January 2000, a government resolution “temporarily” restricted social rights of servicemen.⁹³ Hence, “real practice often runs contrary to the Ukraine’s Constitution and international documents pertaining to human rights.”⁹⁴

Another factor that undermines military prestige is that significant imbalance persists in the levels of pay for servicemen serving in different military structures. This is manifested not only in different base pays, but also in the different amounts of damages payable under obligatory state insurance policies. For instance, the death of an employee of the public prosecutor’s office, the militia, the customs service, the tax administration and some other state structures is usually valued in the amount of the ten-year salary, amounting to UAH 40,000 to 70,000. At the same time, for military personnel, the insured amount equals to only UAH 4,100. Hence, the insured amounts differ ten-fold and more.⁹⁵

The public and the military have great hopes for the transition to a professional military service. However, if the present approaches to defense reform persist, these expectations will be in vain.⁹⁶

⁹¹ The Law of Ukraine *On Universal Military Duty and Military Service*, Article 2.

⁹² The Law of Ukraine *On Social and Legal Protection of Servicemen and their Dependents*, Article 2.

⁹³ The Cabinet of Ministers of Ukraine Resolution No. 12 of January 8, 2000

⁹⁴ For workers and employees, Articles 116 and 117 of the Labor Code stipulate that “in case of non-payment of due amounts on the day of retirement through the fault of the owner or his authorized body, the entity or organization must pay the employee his average salary over the entire period of delay up to the date of actual settlement.” See: Kachan I. “International Agreements on Human Rights in Ukraine’s armed forces.” *Narodna Armiya*, May 19, 1999, p. 6.

⁹⁵ “Reform of Insurance System in Ukraine: Conceptual Background.” UCEPS Analytical Report, *National Security and Defense*, 2000, No. 4, p. 27.

⁹⁶ “Today, half of 29,000 contracted servicemen do not have housing, and in 2015, there must be close to 150,000 of those!” See: Matiukh, M. “Professional Army. How Can the Dream Come True?” *Narodna Armiya*, April 21, 2000, p.3.

Therefore, in Ukraine, the military service has lost much of its prestige, and the level of public trust in the military, though relatively high, is gradually decreasing. In such a situation, trusting in the effectiveness of civilian control of the military is difficult, judging by this criterion.

E. CRITERION 5. THE PRESENCE OF CONDITIONS IN SOCIETY FOR OPEN DISCUSSION ON DEFENSE ISSUES

Thus far, Ukraine has failed to find the a balance between personal, social and state interests that would determine a rational degree of transparency of the state's military structures. Despite some increase in the role of the mass media, non-governmental research centers and public organizations, discussing defense problems publicly has not yet become a norm for politicians, the military and society.

There is no a register of state documents that must be published by law. This limits the possibilities for discussing the state of affairs in the military publicly. The directive of the Ukraine's President for the annual publication of the White Paper "Defense Policy of Ukraine" has not been executed since 1997. This paper was intended to elaborate policies, defense expenditures and national approaches to containing of possible military conflicts. The mass media do not publish approved defense budgets (with a detailed classifier of expenses), let alone the reports of their execution. The parliamentary Committee on National Security and Defense has not published a single report on the state of military affairs. The summarized materials of the state's activity in the arms trade are not transparent either. The mass media and the NGOs' control over the military-technical cooperation has not yet achieved the level of western countries. Even general summarized information is not made public in Ukraine,⁹⁷ only reports of separate contracts (agreements) or comparative data are published. For instance, in March 1999, the head of the State Company Ukrspetsexport V. Malev reported that according to the results of 1998, Ukraine increased the exports of arms and military hardware by roughly

⁹⁷ For instance, the U.S. Congress investigative service reported that the volume of the U.S. arms exports in 1999 amounted to \$11.8 billion. Russia's Center for Strategy and Technology Analysis reported that between August 1999 and September 2000, the Russia's State Company Rosvooruzhenie filed contracts were worth \$5 billion.

one third.⁹⁸ In Ukraine, there is practically no national non-governmental organization engaged in professional research in military-technical cooperation.⁹⁹

The Soviet system of civilian (political) control inherited by Ukraine continues to influence the behavior of its military leaders noticeably. This is manifested in the following:

- The military has retained a stereotype of professional monopoly with respect to “true understanding” of the nature and problems of the armed forces and other military structures.
- Some military leaders are too slow to abandon the standard perception of a large-scale army and front operations as the main task of the armed forces, while seeing the rest as of secondary importance.
- The military often continues to set defense targets and priorities as it sees fit, sometimes not distinguishing between national and military security. The role of civilians in defining the strategic priorities of defense policy is very weak.
- The military retains the belief (sometimes unconscious) that the state is obliged to ensure the implementation of any plans whatsoever worked out by the military at its discretion, without proper attention to the real situation in the state

The state of the military structures is a reflection of what happens in the society. Given the generally weak fundamentals of democracy in Ukraine, no grounds exist to expect that the military will soon shed the Soviet legacy, and particularly the negative attitude to the public discussion of military issues.

For the past six years, military censorship has risen greatly in the army. Censor requirements prohibit even pronouncing publicly the names of new national arm designs. The designations of military units, which journalists visited many times recently, suddenly have become a secret. Furthermore, even the specific positions of officers and

⁹⁸ News conference held on March 24, 1999.

⁹⁹ The first attempts at conducting such studies were made by the Center for Army, Conversion and Disarmament Studies and the Center for Non-proliferation Studies.

generals should be named with caution. These requirements now are stricter than ones at the era of the Warsaw Pact and the Cold War.¹⁰⁰

Circulation of military periodicals remains low: for instance, only 7,000 copies of *Narodna Armiya* are printed. This limits the Ministry of Defense periodicals' ability to influence the public opinion on defense issues. The chief editor of the *Narodna Armiya* V. Korol' described the military periodicals as follows: "In military newspapers (and we are not an exception), the very notion of analytical and critical materials — the most constructive and effective forms — has virtually disappeared. The reason lies in self-censorship, despite the external freedom."¹⁰¹

The military structures remain unprepared to deal with the mass media in extreme situations. For instance, the Ministry of Defense admitted its involvement with the tragedy in Brovary (the accidental missile bombing of apartment building by the military, which led to the death of four civilians) four days after the tragedy. Previously, they declared that the missile hit a target at a range. There were problems caused by incomplete information or delayed reaction to resonant events from the Ministry of Internal Affairs, the Ministry for Emergencies, and the Ukraine's Security Service. The Ukrainian military clearly has problems behaving according to democratic norms.¹⁰²

Furthermore, the public and the mass media rarely addressed such important military problems as defining political, organizational and financial goals and limits in reforms and its internal restructuring. They are discussed within a narrow circle of experts.

By forming the public opinion and assisting the government, non-governmental research centers possess a significant potential to establish democratic norms based on

¹⁰⁰ Zhurets, S. "The Army Attacks Internet and Simultaneously Toughens Censorship." *Den'*, March 24, 1999, p. 2.

¹⁰¹ See: Starozytska, M. "The Cost of the Military Secret." *Kievsky Telegraph*, August 28 - September 3, 2000, p. 7

¹⁰² It is noteworthy that the instruction for U.S. armed forces personnel communicating with the press requires: "Behave professionally. Remember that journalists are not enemies but influential members of society." An example of this being not a mere declaration, but a norm of relations, was the dispute between General B. McCaffrey and *The New Yorker's* correspondent S. Hersh. The latter accused the general of violating the laws of war and committing unjustified atrocities during the Gulf War. In response, the general himself wrote an article where he presented the reasons behind his position with respect to the events that concerned the journalist, leaving it for the public to decide who was right. See: McCaffrey, B. "Return Fire." *Armed Forces Journal International*, August 2000, p. 14-16

the public discussion of defense issues. However, their resources (especially financial) are very limited. Furthermore, Ukrainian politicians do not yet comprehend the need for broad cooperation with the centers. For this reason, the significant intellectual and organizing potential of the NGOs remains unused. Therefore, no favorable conditions for involving the public in the discussion and for making the nationally important decisions on military issues exist.

Despite the evident positive changes, the situation regarding civilian control over the military causes concerns. No clear delimitation of powers and responsibilities between the state bodies and between civilians and the military has been established. The combat readiness of Ukraine's armed forces, the level of their funding and the level of social protection in all the military structures give no reason for satisfaction. Likewise, the prestige of the military service remains low in the eyes of the public and the military itself.

Hence, the civilian control over the military in Ukraine does not meet the basic effectiveness criteria. The bleak assessment is primarily caused by the violation of one of the fundamental principles of democratic civilian control: the responsibility of civilians for the effectiveness of the military structures.

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VI. PROPOSALS FOR THE IMPROVEMENT OF CIVIL-MILITARY RELATIONS IN UKRAINE

Despite some evident successes, Ukraine has not yet built a reliable system of civilian control over the military sector that clearly defines powers and responsibilities of civilians and the military. The situation is unsatisfactory, since a fundamental principle of democratic civil-military relations is being violated—the responsibility of civilians for the effectiveness of military structures.

Implementing positive civilian control, during the present transformation in Ukraine is underway, the armed forces, law enforcement bodies, and other military structures could play a more significant stabilizing role. However, if the present negative trends persist, Ukraine's military structures themselves can breed immense political, social, and environmental problems that can endanger the society. Presented below are proposals for developing civilian control over the military and improving its effectiveness.

A. DEFINE THE ROLES, FUNCTIONS AND MISSIONS OF THE MILITARY STRUCTURES

As soon as possible, the new version of Ukraine's military doctrine should be prepared and approved. This will enable the political leadership to prevent military conflicts, to prepare the country, and to repel an aggression. This doctrine should also state the goals for military building and provide background data for planning the development and employment of military structures.

The functions of military structures should be stated realistically and concretely, with specific data of required resources. For this purpose, a strict expert evaluation of the laws of Ukraine “On the Armed Forces of Ukraine,” “On the Border Troops of Ukraine,” “On the Internal Troops of the Ministry of Internal Affairs of Ukraine,” “On Civil Defense in Ukraine,” “On the Security Service of Ukraine,” etc. is needed. The laws of Ukraine “On the National Security of Ukraine” and “On Foreign Intelligence” should be

promptly finalized and approved. After adopting the Ukraine's military doctrine, amendments to related laws should be drafted. The Ukraine's armed forces involvement with internal functions should be legislatively fixed.

The Law of Ukraine "On the Defense of Ukraine" should be amended to provide for the obligatory parliamentary approval of the State Program for Reforming and Developing Ukraine's armed forces. The key provisions of the present State Program for Reforming and Developing Ukraine's armed forces through 2005 should be reviewed in order to match the defense needs and to match the anticipated resources.

Ukraine's NSDC should consider the important issues of military building at its regular meetings, namely: discussing the draft military doctrine of Ukraine; elaborating and delimitating functions among military structures; using of the defense budget more efficiently (liquidation of excessive structures, reducing personnel, decommissioning overly expensive weapon systems not needed by Ukraine) and finally bolstering the social security of servicemen.

Urgent measures must be taken to strengthen state analytical institutions. The results of research activity should be promptly applied in drafting the new military doctrine and related laws.

Non-governmental research centers should be involved with independent expert evaluation of the state of national security and defense. At present, independent studies can be conducted on an order of the government, covering the following issues:

- the effective ways of transition to professional service in different military structures;
- rational grounds for reducing the military structures' manpower;
- curricula for civilian higher education on national security and defense;
- ways to prevent avoiding the conscription and to strengthen discipline in the military; organizing a stand-by voluntary reserve of the armed forces; priorities in Ukraine's peacekeeping activities, etc.

B. DEFINE AND LIMIT POWERS AND RESPONSIBILITIES

The division of powers between presidential and governmental structures in matters dealing with civilian control over the military should be reviewed. The Law of Ukraine “On the Cabinet of Ministers of Ukraine,” clearly defining the powers of the government, including the defense sector, should be adopted in the shortest possible term.

A government committee in charge of defense and law enforcement activities should be established to provide for a better substantiation and coordination of the Cabinet of Ministers’ decisions and to raise the political authority of the heads of the military structures. A position of Assistant Prime Minister for Defense Issues should be introduced.

Measures should be taken to balance the controls and responsibilities of the President, the government and the Verkhovna Rada in arms trade and international military-technical cooperation. The preparation and consideration of the drafted Law “On State Export Control in Ukraine” should be accelerated.

The powers of the General Military Inspectorate under the President of Ukraine should be extended to cover the intelligence and special services, and law enforcement bodies.

The institute of civil servants to be employed at key executive positions within military structures, namely ministers, first deputy and deputy ministers, heads of main departments should be established. A committee dealing with civil service implementation within military structures should be established as part of the State Commission for Administrative Reform in Ukraine. A program of replacing top executives of the military structures, the staff of Ukraine’s NSDC and the GMI under the President of Ukraine with civilian politicians and civil servants should be structured. Further on, exclusively civilian candidates should be appointed to the positions of the military structures’ heads.

The responsibility of civil servants can be increased by civilian political (agency director), patronage (his assistants), and administrative posts. The latter’s involvement in political activity should be limited because such activity (especially during election

campaigns) is not conducive to the effective operation of the authorities and provokes infringements and abuses. Such limitations will increasingly protect civil servants and particularly rule out their division according to party affiliation.

The State Department on Civil Service of Ukraine should create a personnel reserve database of state servants to fill executive positions in the military structures. This reserve of personnel should include civil servants with experience in defense issues in the Administration of the President of Ukraine, the Government's Secretariat, the staff of the Verkhovna Rada and the National Security and Defense Council of Ukraine, the General Military Inspectorate under the President of Ukraine, the State Expert Control Service, the ministries of foreign affairs, economy, finance, justice, education and science, and some others; some of the People's Deputies, former government officials and generals possessing proper knowledge and experience.

Personnel from this reserve should be the first candidates for training abroad under programs of defense and security. The people sent for training abroad should sign contracts requiring 5 to 7 years of civil service after graduating a foreign educational institution and providing a mechanism of indemnification of expenses in the event of non-execution of this requirement.

The National Defense Academy of Ukraine should initiate regular seminars (3 to 5 days) for journalists specializing in defense matters. The Academy should invite authoritative Ukrainian and foreign civilian guest-speakers with executive experience in the military structures or who are noted for their theoretical works.

The planned training of civilian specialists at two-week courses on the basis of the National Defense Academy should commence as soon as 2004. Civil servants of grade 4 to 6 involved in the defense decision-making process should be trained at three-month courses jointly with military personnel.

The Ministry of Education and Science of Ukraine, in cooperation with military structures' ministries, should implement a program of establishing a network of security research organizations (centers) in the leading universities. Educational courses and research programs dealing with civil-military relations, international security, conflict study, etc., should be introduced at Ukraine's higher educational establishments. The

programs for officer training for all military structures should include a mandatory course of civil-military relations.

C. IMPLEMENT PARLIAMENTARY CONTROL OVER THE MILITARY STRUCTURES

The priorities of financing certain military structures must be defined. Also, a list of the protected items in the defense budget within the Budgetary Resolution of the Verkhovna Rada must be fixed.

The draft of the defense budget should be submitted to the Verkhovna Rada both in audit and in functional form. Special budgetary items for the development of military structures in the “National Defense” and “Law Enforcement Activity and State Security” sections of the state budget must be established. Discussion of these items and voting on them should only be made following preliminary approval (consent) of the State Programs (of Reforming and Developing of the Armed Forces, Development of Armaments and Military Hardware, Special Equipment, etc.).

The budget resources allocated to finance the military structures’ activity must be used properly. The officials’ criminal and administrative responsibility for non-execution of the defense budget (failure to adhere to the priorities fixed in the Budgetary Resolution in the case of budget sequestration, misuse of resources, as well as failure to finance protected budgetary items) should be determined.

The parliament’s Budget Committee, the Finance Ministry and economic departments of Ukraine’s military structures should propose procedures to create the military budgets (according to the cyclic procedures as follows: “planning; programming; budgeting”).

The Verkhovna Rada should:

- completely investigate suspicions of non-sanctioned trade in arms from 1991 to 1993 and make the results of this investigation available to the public;

- establish two new subcommittees having a special status within the Parliament's National Security and Defense Committee: Foreign Intelligence Subcommittee (authorized to supervise the intelligence services) and the Subcommittee on Arms Trade and International Military and Technical Cooperation;
- ensure biannual open parliamentary hearings on issues of military structures;
- raise the level of information and analytical the Verkhovna Rada Committees and individual Deputies;
- increase the amount of resources that are allocated for the People's Deputies and Committees to perform expert investigations.

D. AUGMENT THE SOCIAL PRESTIGE OF THE MILITARY SERVICE

Ukraine must do all it can to elevate the prestige of the military service. To accomplish this Ukraine should:

- Stop the practice of silencing of servicemen's problems because such a practice undermines their confidence in the civilian authorities of the state.
- Establish a voluntary stand-by reserve within the Ukrainian armed forces; this would not only solve a problem of mobilization readiness, but also would establish stronger ties between the military and civilians.
- Rectify maladjustment in the wages, salaries and pensions that are paid to the military. Official salaries should be adjusted according to the legal subsistence level and the inflation rate.
- Establish uniform rates for insurance payments under the state obligatory insurance of servicemen and increase the rates of such insurance payments up to the level of officers and employees of law enforcement bodies, to eliminate the Ministry of Finances' current indebtedness and to stop the practice of delaying payments of insurance indemnities.

- Curb bribery in military registration and enlistment offices, perform extra certification of officials and employees of such offices, and reduce the term of conscript military service to 12 months, beginning from the Autumn of 2003.
- Implement the practice of regular polls in the military in order to reveal in advance any moods and needs existing among the servicemen, as well as to prevent the negative trends and conflicts in the military from arising.
- Take urgent measures in order to ensure medical assistance to the military and include expenditures for medical care in the protected items of the military budget.
- Establish consulting and advisory bodies to promote defense and law enforcement activities. These bodies are to be established in the form of commissions, councils, etc., functioning on a voluntary basis under local state administrations. Such bodies should include representatives of local communities and military units located in their territory, as well as military veterans
- Support non-governmental organizations in military and patriotic educating the youth more actively involve the servicemen in sports and cultural events at educational institutions, and increase the number of visits of young people to military units and warships, etc.

The Church's activity in military structures should not be confined to religious functions only. The Church can promote observance of human rights in the military structures and teach servicemen in the principles of international humanitarian law.

E. DEVELOP OPEN DISCUSSIONS OF MILITARY ISSUES

The Parliamentary Committee on the Freedom of Speech and on Information should launch an independent expert analysis of the laws of Ukraine "On Information," "On State Secrets," "On Citizens' Associations," "On Printed Media" as well as other laws in order to ensure the rights of citizens to obtain complete and accurate information on the activity of the military structures and on the state of affairs in the military sector.

Proper amendments to these laws should be made in accordance with the results of such expert analysis.

The Parliamentary Committee on Human Rights, National Minorities and International Relations must:

- Submit propositions that increase military officials' administrative and criminal responsibility for concealing information that includes data on the threat to the health and life of servicemen and citizens, on infringing rights, freedoms, and social guarantees of servicemen and members of their families.
- Fix, at the legislative level, the list of those documents on the activity of the military that must be made available to the general public, define the procedure for preparing these documents and the periodicity of their publication. This list should include the following documents:
 1. White Paper "Defense Policy of Ukraine;"
 2. annual reports on executing defense budget and law-enforcement agencies' budgets;
 3. regular reports of the Parliamentary National Security and Defense Committee on the state of affairs in the military structures (the reports are to be prepared on the basis of assessments made by the People's Deputies);
 4. generalized materials of parliamentary hearings on military issues; annual reports of the General Military Inspectorate under the President of Ukraine with respect of the state of affairs in the military structures, etc.
- Ensure the urgent publication of the White Paper "Defense Policy of Ukraine" on the basis of the Resolution signed by President L. Kuchma in January 1997 (the Resolution envisages annual publication of this paper).
- Establish advisory voluntary bodies subordinate to the heads of the military structures, the General Military Inspectorate under the President of Ukraine and the Chairman of the Parliamentary National Security and Defense Committee; and

ensure the involvement of scientists, representatives of non-governmental research centers and public organizations, mass media, veterans of military structures in such bodies.

- Implement obligatory weekly press conferences in all power ministries with top level officials participating. To ensure proper working conditions for journalists, it is desirable to determine permanent times and places for such events and to refrain from restricting on the media from participating through any accreditation procedures.
- Publish detailed and structured data monthly on the current funding of the military in the *Narodna Armiya* and in other departmental periodicals. The central publications of the military structures should present monthly reports of lost servicemen, specifying the cause of death. Measures should be taken to improve the contents and typography of departmental newspapers. These papers should regularly publish problem articles and analyses on military issues.
- Develop servicemen instructions for communicating with the mass media should be developed, stressing the importance of the mass media in a democratic society, presenting advice in communicating with journalists, and the requirements of the effective regulatory-legal acts applying to the publication of information.

Implementing these proposals will help to harmonize civil-military relations, improve the combat effectiveness of the military, and raise the prestige of the military service, and the public's confidence in the Ukraine's military structures.

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VII. CONCLUSION

This thesis studies the state of civil-military relations in Ukraine since its independence in 1991.

The following work was done:

1. Background information about Ukraine – geographical, historical, economic, social and military - and the position of the military in it was summarized, the reasons hindering the creation and development of the national military were analyzed.
2. The existing conditions of the Ukrainian military were analyzed.
3. The analysis of the state of civil-military relations in Ukraine emphasized:
 - establishing institutions to provide for the stable system of civilian control over the military in the state;
 - assessing the actual civil-military relations in Ukraine.
4. The set of recommendations directed toward improving civil military relations in Ukraine was based on the analysis conducted throughout the thesis.

The following conclusions can be drawn from the analysis:

The state of the Ukrainian military, including its structure, manning, combat readiness, arming and equipment, and funding as well as the social conditions within and without the military, can be assumed as unsatisfactory and requiring immediate improvement.

The regulatory-legal basis that governs the basic operation and further development of the system of civilian control over the military has been formed. A network of state and public institutions is in place to oversee the military activities.

Within the state governance, the bodies for coordinating and controlling the military structures' activities have been created. As a result, the President of Ukraine has obtained important levers of control over the military. Reliable civilian control has been established regarding to the arms trade.

The system of cooperation between the branches of government and the separate bodies of the state governance are being established with the aim of improving the conditions of the military domain and implementing long-term state programs. The formation of the military budgets is gradually being perfected and becoming more transparent both for the legislative body and for the public.

The cadre basis of civilian control is expanding. Civilian experts from different bodies of state power, who contributed in important state defense programs, are a reserve of executives capable of reinforcing the military and strengthening civilian leadership.

Ukraine's foreign partners provide important assistance in training civilian experts for military employment. At the same time, the training of civilian specialists for defense assignments must be commenced in Ukraine. This is an important objective with national significance.

The military structures are gradually becoming more transparent for society; their interaction with the mass media is improving. A network of non-governmental research centers and public organizations is being formed. It is very important that the state and public institutions presently involved with civilian control be united into a single system of democratic civilian control over the Ukraine's military.

The Ukraine's military organization has been freed of party involvement; and presently, political parties have no significant influence on its operation. Directing the military and the entire population toward solving complex problems through the democratic state governance creates favorable conditions for strengthening civilian control over Ukraine's military.

Despite the evident positive changes, the lack of civilian control over the military in Ukraine causes concerns. Following reasons support this statement.

The ambiguous definition of the military structures' functions in the Ukraine's Constitution and laws and the absence of a list of specific missions that should be elaborated in regulatory acts make it impossible to train the military for future employment purposefully, or to plan their development realistically.

The powers and responsibilities among state bodies and between civilians and the military have not been defined and limited. The combat readiness of Ukraine's armed forces, the level of their funding and the level of social protection in all the military structures give no reason for satisfaction.

Existing formally, the parliamentary control over the military is far from meeting world standards, which is proved by the inadequate level of the military's combat readiness and the lack of reform.

The prestige of the military service remains low in the eyes of both the public and the military. The level of public trust in the military is gradually decreasing.

Hence, the civilian control over the military structures in Ukraine does not meet the basic effectiveness criteria introduced in the chapter V of this thesis. The negative assessment is primarily caused by the violation of one of the fundamental principles of democratic civilian control — the responsibility of civilians toward the national military structures.

The military itself and the society at a whole must work to solve the problems of the Ukrainian military. The latter still has a good chance on its transition toward becoming a real democratic military. I hope that the improvements suggested in this thesis can play their role in such a transition.

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